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CITATION

Cite all material in the Washington State Register by its issue number and sequence within that issue, preceded by the acronym WSR. Example: The 37th item in the August 5, 1981, Register would be cited as WSR 81-15-037.

PUBLIC INSPECTION OF DOCUMENTS

A copy of each document filed with the code reviser's office, pursuant to chapter 34.05 RCW, is available for public inspection during normal office hours. The code reviser's office is located on the ground floor of the Legislative Building in Olympia. Office hours are from 8 a.m. to 5 p.m. Monday through Friday, except legal holidays. Telephone inquiries concerning material in the Register or the Washington Administrative Code (WAC) may be made by calling (206) 753-7470 (SCAN 234-7470).

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CERTIFICATE

Pursuant to RCW 34.08.040, the publication of rules or other information in this issue of the Washington State Register is hereby certified to be a true and correct copy of such rules or other information, except that headings of public meeting notices have been edited for uniformity of style.

DENNIS W. COOPER Code Reviser

STATE MAXIMUM INTEREST RATE

The maximum allowable interest rate applicable for the month of January 1990 pursuant to RCW 19.52.020 is twelve point zero percent (12.0%).

NOTICE: FEDERAL LAW PERMITS FEDERALLY INSURED FINANCIAL INSTITUTIONS IN THE STATE TO CHARGE THE HIGH-EST RATE OF INTEREST THAT MAY BE CHARGED BY ANY FINANCIAL INSTITUTION IN THE STATE. THE MAXI-MUM ALLOWABLE RATE OF INTEREST SET FORTH ABOVE MAY NOT APPLY TO A PARTICULAR TRANSACTION.

The maximum allowable retail installment contract service charge applicable for calendar year 1990 pursuant to RCW 63.14.130(1)(a) is fourteen and one-half percent (14.50%).

The maximum allowable retail installment contract service charge for the purchase of a motor vehicle pursuant to RCW 63.14.130(2)(a) is thirteen point seven five percent (13.75%) for the first calendar quarter of 1990.

The maximum allowable retail installment contract service charge for the purchase of a vessel pursuant to RCW 63.14.130(3)(a) is fourteen point two five percent (14.25%) for the fourth calendar quarter of 1989.

WASHINGTON STATE REGISTER

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The Washington State Register is an official publication of the state of Washington. It contains proposed, emergency, and permanently adopted administrative rules, as well as other documents filed with the code reviser's office pursuant to RCW 34.08.020 and 42.30.075. Publication of any material in the Washington State Register is deemed to be official notice of such information.

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STYLE AND FORMAT OF THE WASHINGTON STATE REGISTER

1. ARRANGEMENT OF THE REGISTER

Documents are arranged within each issue of the Register according to the order in which they are filed in the code reviser's office during the pertinent filing period. The three part number in the heading distinctively identifies each document, and the last part of the number indicates the filing sequence within an issue's material.

2. PROPOSED, ADOPTED, AND EMERGENCY RULES OF STATE AGENCIES AND INSTITUTIONS OF HIGHER EDUCATION

The three types of rule-making actions taken under the Administrative Procedure Act (chapter 34.05 RCW) may be distinguished by the size and style of type in which they appear.

- (a) Proposed rules are those rules pending permanent adoption by an agency and are set forth in eight point type.
- (b) Adopted rules have been permanently adopted and are set forth in ten point type.
- (c) Emergency rules have been adopted on an emergency basis and are set forth in ten point oblique type.

3. PRINTING STYLE—INDICATION OF NEW OR DELETED MATERIAL

RCW 34.05.395 requires the use of certain marks to indicate amendments to existing agency rules. This style quickly and graphically portrays the current changes to existing rules as follows:

- (a) In amendatory sections—
 - (i) underlined material is new material;
 - (ii) deleted material is ((lined out and bracketed between double parentheses));
- (b) Complete new sections are prefaced by the heading NEW SECTION;
- (c) The repeal of an entire section is shown by listing its WAC section number and caption under the heading REPEALER.

4. EXECUTIVE ORDERS, COURT RULES, NOTICES OF PUBLIC MEETINGS

Material contained in the Register other than rule-making actions taken under the APA does not necessarily conform to the style and format conventions described above. The headings of these other types of material have been edited for uniformity of style; otherwise the items are shown as nearly as possible in the form submitted to the code reviser's office.

5. EFFECTIVE DATE OF RULES

- (a) Permanently adopted agency rules normally take effect thirty days after the rules and the agency order adopting them are filed with the code reviser's office. This effective date may be delayed or advanced and such an effective date will be noted in the promulgation statement preceding the text of the rule.
- (b) Emergency rules take effect upon filing with the code reviser's office unless a later date is provided by the agency. They remain effective for a maximum of one-hundred-twenty days from the date of filing.
- (c) Rules of the state Supreme Court generally contain an effective date clause in the order adopting the rules.

6. EDITORIAL CORRECTIONS

Material inserted by the code reviser's office for purposes of clarification or correction or to show the source or history of a document is enclosed in [brackets].

7. INDEX AND TABLES

A combined subject matter and agency index and a table of WAC sections affected may be found at the end of each issue.

 $\begin{array}{c} 1989-1990 \\ \hline \text{DATES FOR REGISTER CLOSING, DISTRIBUTION, AND FIRST AGENCY ACTION} \end{array}$

Issue No.		Closing Dates		Distribution <u>Date</u>	First Agency Hearing Date ³
	Non-OTS & 30 p. or more	Non-OTS & 11 to 29 p.	OTS ² or 10 p. max. Non-OTS		
For Inclusion in—	Fi	le no later than-	_	Count 20 days from—	For hearing on or after
89–14	Jun 7	Jun 21	Jul 5	Jul 19	Aug 8
89–15	Jun 21	Jul 5	Jul 19	Aug 2	Aug 22
89–16	Jul 5	Jul 19	Aug 2	Aug 16	Sep 5
89–17	Jul 26	Aug 9	Aug 23	Sep 6	Sep 26
89–18	Aug 9	Aug 23	Sep 6	Sep 20	Oct 10
89-19	Aug 23	Sep 6	Sep 20	Oct 4	Oct 24
89–20	Sep 6	Sep 20	Oct 4	Oct 18	Nov 7
89–21	Sep 20	Oct 4	Oct 18	Nov 1	Nov 21
89–22	Oct 4	Oct 18	Nov 1	Nov 15	Dec 5
89–23	Oct 25	Nov 8	Nov 22	Dec 6	Dec 26
89–24	Nov 8	Nov 22	Dec 6	Dec 20	Jan 9, 1990
90–01	Nov 22	Dec 6	Dec 20,		Jan 23
90–02	Dec 6	Dec 20,			Feb 6
90-03	Dec 27,		1990 Jan 24	Feb 7	Feb 27
90–04	Jan 10	Jan 24	Feb 7	Feb 21	Mar 13
90–05	Jan 24	Feb 7	Feb 21	Mar 7	Mar 27
90-06	Feb 7	Feb 21	Mar 7	Mar 21	Apr 10
90–07	Feb 21	Mar 7	Mar 21	Apr 4	Apr 24
90–08	Mar 7	Mar 21	Apr 4	Apr 18	May 8
90–09	Mar 21	Apr 4	Apr 18	May 2	May 22
9010	Apr 4	Apr 18	May 2	May 16	Jun 5
90-11	Apr 25	May 9	May 23	Jun 6	Jun 26
90-12	May 9	May 23	Jun 6	Jun 20	Jul 10
90-13	May 24	Jun 7	Jun 21	Jul 5	Jul 25
90–14	Jun 7	Jun 21	Jul 5	Jul 18	Aug 7
90–15	Jun 20	Jul 5	Jul 18	Aug 1	Aug 21
90–16	Jul 5	Jul 18	Aug 1	Aug 15	Sep 4
90–17	Jul 25	Aug 8	Aug 22	Sep 5	Sep 25
90–18	Aug 8	Aug 22	Sep 5	Sep 19	Oct 9
9019	Aug 22	Sep 5	Sep 19	Oct 3	Oct 23
9020	Sep 5	Sep 19	Oct 3	Oct 17	Nov 6
9021	Sep 26	Oct 10	Oct 24	Nov 7	Nov 27
90-22	Oct 10	Oct 24	Nov 7	Nov 21	Dec 11
90-23	Oct 24	Nov 7	Nov 21	Dec 5	Dec 25
90-24	Nov 7	Nov 21	Dec 5	Dec 19	Jan 2, 1991

¹All documents are due at the code reviser's office by 5:00 p.m. on or before the applicable closing date for inclusion in a particular issue of the Register; see WAC 1-21-040.

²A filing of any length will be accepted on the closing dates of this column if it has been prepared and completed by the order typing service (OTS) of the code reviser's office; see WAC 1-21-040. Agency-typed material is subject to a ten page limit for these dates; longer agency-typed material is subject to the earlier non-OTS dates.

³At least twenty days before the rule-making hearing, the agency shall cause notice of the hearing to be published in the Register; see RCW 34.05.320(1). These dates represent the twentieth day after the distribution date of the applicable Register.

WSR 89-24-002 PERMANENT RULES GAMBLING COMMISSION

[Order 201-Filed November 27, 1989, 8:56 a.m.]

Date of Adoption: November 15, 1989.

Purpose: Create a system of regulation necessary to ensure the proper operation and control of electronic cranes. To provide a fee schedule for electronic crane operation.

Citation of Existing Rules Affected by this Order: Amending WAC 230-04-110, 230-04-120, 230-04-190, 230-04-201, 230-08-010, 230-08-017, 230-08-025, 230-08-140, 230-08-150, 230-20-605 and 230-20-630; and new sections WAC 230-02-022, 230-04-124, 230-08-060, 230-08-180 and 230-20-670.

Statutory Authority for Adoption: RCW 9.46.070 (4), (11) and (14).

Pursuant to notice filed as WSR 89-19-083 on September 20, 1989.

Effective Date of Rule: Thirty-one days after filing.

November 20, 1989 Ronald Bailey for Frank L. Miller Deputy Director

NEW SECTION

WAC 230-02-022 COST DEFINED. "Cost" means the monetary value paid or owed by the purchaser, for any gambling or non-gambling product or service, at the time of the transaction and documented on the sales receipt/transfer document. "Cost" includes all sales taxes paid by the purchaser. "Cost" does not include any markup or value added by the purchaser.

AMENDATORY SECTION (Amending Order 90, filed 6/14/79)

WAC 230-04-110 LICENSING OF MANUFAC-TURERS ((OF PUNCHBOARDS, PULL TABS AND PULL TAB DISPENSING DEVICES)). (1) A manufacturer shall ((first)) obtain a license from the commission prior to manufacturing, ((within the state of Washington, or)) selling or supplying to any person(s) within this state, or for use within this state, ((any punchboard, pull tab or device for the dispensing of pull tabs or engaging in any intrastate activities whatsoever in connection with such devices:)) one or more of the following devices:

- (a) Punchboards;
- (b) Pull tabs;
- (c) Devices for the dispensing of pull tabs; and
- (d) Electronic cranes.
- (2) The applicant shall include upon the application form supplied by the commission, the following information, as well as all other information and materials which are elsewhere required under these rules:
- $((\frac{1}{1}))$ (a) The name and address of the applicant $((\frac{1}{1}))$;
- (b) The name and address of each of its separate locations manufacturing such devices;

- (((2))) (c) The name and home address of all owners of the manufacturing business if the business is not a corporation. If the business is a corporation, the name and address of each of the officers and each of the directors of the corporation and of each stockholder owning ten percent or more of any class of stock in the corporation;
- (((3))) (d) A full description of each separate type of punchboard, pull tab, ((or)) device for the dispensing of pull tabs, or electronic crane which the applicant seeks to manufacture or to market in this state; and
- (((4))) (e) ((For each such device, t)) The brand name under which ((it)) each device is sold;
- (((5))) (3) If the applicant is a foreign manufacturer, then the full name, business and home address of the agent who is a resident of this state designated pursuant to WAC 230-12-300;
- (((6))) (4) A list of all distributors of such devices, punchboards or pull tabs, and of all businesses or organizations located within the state of Washington in which the licensee has some financial interest and the details of that financial interest. For the purpose of this subsection, the term financial interest shall include, among all other interests, indebtedness from the licensee to the other person, or vice versa, in excess of five hundred dollars.
- (5) The applicant shall notify the commission within thirty days of any change in the information submitted on or with the application form. The applicant shall comply with all applicable laws of the United States and the state of Washington and all applicable rules of this commission.

AMENDATORY SECTION (Amending Order 145, filed 12/18/84)

WAC 230-04-120 LICENSING OF DISTRIBUTORS ((OF PUNCHBOARDS, PULL TABS OR DEVICES FOR THE DISPENSING OF PULL TABS)).
(1) Prior to selling or supplying to any person((, any punchboard, pull tab or device for the dispensing of pull tabs, or any gambling equipment or paraphernalia for use in connection with licensed fund raising events,)) within the state of Washington or for use within the state of Washington or for use within the state of Washington, a distributor shall first obtain a license from the commission((;)) for one or more of the following separate licensed activities:

- (a) Punchboards;
- (b) Pull tabs;
- (c) Devices for the dispensing of pull tabs;
- (d) Any gambling equipment or paraphernalia for use in connection with licensed fund raising events; and
 - (e) Electronic cranes.
- (2) The applicant shall include upon the application form supplied by the commission, the following information, as well as all other information and materials required elsewhere in these rules:
- $((\frac{1}{1}))$ (a) The full name and address of the applicant $((\frac{1}{1}))$ (and, if a distributor, t));
- (b) The <u>business</u> name and address of each of the separate locations operated by the distributor;

- $((\frac{(2)}{)})$ (c) The name and home address of all owners $(\frac{(of \ a \ distributorship)}{(of \ a \ distributorship)})$ if the business is not a corporation. If the business is a corporation, the name and address of each of the officers, $(\frac{(and \ of)}{(of \ the)})$ each $(\frac{(of \ the)}{(of \ the)})$ stockholder((s)) having ten percent or more of the shares of any class of stock in the corporation;
- (((3))) (d) A full description of each type of punchboard, pull tab, ((or)) device for the dispensing of pull tabs, or electronic cranes that the distributor intends to market in this state or for use in this state;
- (((4))) (3) For each such device, the brand name under which it will be sold;
- (((5))) (4) If the applicant is a distributor located out of state, then the name, business and home address of the agent who is a resident of this state designated by the applicant pursuant to WAC 230-12-300;
- ((((fo)))) (5) A list of all manufacturers of such devices and all businesses or organizations located in the state of Washington in which the applicant has some financial interest. For the purposes of this subsection, the term financial interest shall include, among all other interests, an indebtedness from the other person to the applicant, or vice versa, in excess of five hundred dollars.

NEW SECTION

WAC 230-04-124 LICENSING OF MANUFACTURERS AND DISTRIBUTORS REPRESENTATIVES. (1) Prior to selling or supplying to any person gambling equipment, gambling paraphernalia or electronic cranes for use in connection with licensed gambling activities, a representative or agent of a licensed manufacturer or distributor shall first obtain a license from the Commission.

- (2) A sole owner, partner, major officer and/or owner of a substantial interest in a corporation licensed as a manufacturer or distributor shall not be required to be additionally licensed as a representative to engage in the selling or supplying of the manufacturer's or distributor's products or services. Office, clerical or warehouse personnel employed by the manufacturer or distributor who have contact with the public and potential customers occasionally and only by telephone or at the manufacturer's or distributor's own premises when working under the immediate and direct supervision of the owner, a partner, or major officer of a corporation, shall also be exempt from this licensing requirement. A manager or supervisor who is not a sole owner, partner or a major officer or owner of a substantial interest in a licensed manufacturer or distributor and whose duties and responsibilities include the supervision of selling, supplying and/or the promotion of the manufacturer's or distributor's products shall be licensed as required by this rule prior to performing such functions. A manufacturer or distributor shall not allow an unlicensed person to represent them in such transactions and shall take all measures necessary to prevent an unlicensed person from doing so.
- (3) On or before the first day he or she actually performs work as a representative, a person shall submit a complete application for a license to the Commission. The application shall not be deemed complete until all

- questions on the application form and attachments are fully and truthfully answered and the form, with all attachments and the required fee, has been delivered to the Commission office during regular business hours (or actually deposited in the United States mail properly addressed to the Commission).
- (4) The manufacturer or distributor for which the representative will work shall sign the application of each such representative acknowledging that the applicant will be representing them with their full knowledge and consent.
- (5) In addition to the above requirements, an applicant applying for a license as a distributor's representative shall:
- (a) Complete a training course provided by the Commission within 30 days after the first day worked; and
- (b) Represent only one licensed distributor at a time and shall not represent a manufacturer: Provided, That this rule shall not bar the distributor's representative from representing his own distributor who is also licensed as a manufacturer.

AMENDATORY SECTION (Amending Order 190, filed 4/18/89)

WAC 230-04-190 ISSUANCE OF LICENSE. (1) Charitable and nonprofit organizations and agricultural fairs. The commission may issue a license to qualified bona fide charitable or nonprofit organizations or to qualified agricultural fairs to operate each of the following activities upon a specified location:

- (a) Bingo;
- (b) Raffles;
- (c) Amusement games;
- (d) Punchboards and pull tabs;
- (e) Social cards; and
- (f) Electronic cranes.
- (2) Fund raising event as defined in RCW 9.46.0233. The commission may issue a license to a bona fide charitable or bona fide nonprofit organization defined in RCW 9.46.0209, other than any agricultural fair defined therein, to conduct fund raising events.
- (3) Special amusement game license. The commission may issue a license to any person, association or organization other than a bona fide charitable or bona fide nonprofit organization to conduct amusement games only at one or more of the locations set out by the commission in WAC 230-20-380.
- (4) Commercial stimulant card games. The commission may issue a license to persons operating a business primarily engaged in the selling of items of food or drink for consumption on the premises ((operating under the authority of a license or permit for the business issued by the state, district or local health officer, and/or a license issued by the Washington state liquor control board,)) to allow a specified portion of a specified premises to be used by persons to play authorized card games.
- (5) Public card room employee. The commission may issue a license to a person to perform duties in a public card room.
- (6) Commercial stimulant punchboards and pull tabs. The commission may issue a license to a person operating a business primarily engaged in the selling of items

- of food or drink for consumption on the premises ((operating under the authority of a license or permit for the business issued by the state, district or local health officer, and/or a license issued by the Washington state liquor control board;)) to operate punchboards and pull tabs upon specified premises.
- (7) ((Punchboard and pull tab manufacturer and distributor. The commission may issue a separate license to:
 - (a) Punchboard and pull tab manufacturers;
- (b) Distributors to sell and distribute punchboards and pull tabs and related equipment within the state of Washington,
- (c) Manufacturer's representatives to sell and distribute punchboards and pull tabs and related equipment on behalf of the manufacturer in the state of Washington, and
- (d) Distributor's representatives to sell and distribute punchboards and pull tabs and related equipment on behalf of the distributor in the state of Washington.)) Commercial electronic cranes.
- (a) Electronic crane operator The commission may issue a license to any person, association or organization other than a bona fide charitable or nonprofit organization to operate electronic cranes at a single or multiple locations as defined in WAC 230-20-670(1): Provided, that if electronic cranes are operated at more than one location, each separate location shall be licensed per subparagraph (b) below.
- (b) Electronic crane separate premises The commission may issue a license to any person operating a business, as defined in WAC 230-20-670 (1)(a), (b), or (c), to allow an electronic crane operator to locate and operate electronic cranes upon their premises.
- (8) Manufacturers and distributors of gambling equipment, paraphernalia and electronic cranes. The commission may issue a separate or combination license to the following:
- (a) Manufacturers of punchboards, pull tabs, devices for the dispensing of pull tabs and electronic cranes; and
- (b) Distributors of punchboards, pull tabs, devices for the dispensing of pull tabs, any gambling equipment or paraphernalia for use in connection with licensed fund raising events and electronic cranes;
- (9) Representatives of manufacturers or distributors. The commission may issue a separate license to a representative of a manufacturer or distributor to engage in the sale and distribution of gambling equipment, paraphernalia and electronic cranes.
- (10) License expiration. Each such license shall be valid for one year from the date that it is issued: Provided, That:
- (a) All annual licenses for punchboard and pull tab and Class D and above bingo shall be issued with an expiration date adjusted to expire on March 31, June 30, September 30, or December 31. Punchboard and pull tab licenses shall expire on the above date that is closest to the license issuance date and does not exceed one year. Class D and above bingo licenses shall expire on the above date that is closest to licensee's fiscal year end plus at least six months. All other applicants or licensees may request specific license expiration dates to correspond with the above dates. Whenever license expiration

- dates are adjusted under this provision, the required fee shall be prorated by the commission. The prorated fees shall be computed on a monthly basis (i.e., one-twelfth of the annual payment per month) and subtracted from the regular annual fee. A prorated fee will be based on the number of whole months remaining upon approval of a license. For the purposes of this proration, any part of a month in which the activity is licensed shall be deemed to be a whole month when computing an annual fee. Any difference between the required fee which exceeds twenty dollars, shall be refunded to the applicant.
- (b) Licenses issued to conduct any authorized activity in connection with and upon the site of a qualified agricultural fair, qualified community—wide civic festival, qualified world's fair, or qualified civic center shall be valid only for the duration of the fair or festival, or, in the case of an activity at a civic center, for the seasons during which the civic center is operating and open to the public. In no event shall such license exceed one calendar year.
- (c) Notwithstanding the provisions of subsection (a), a license issued to conduct a raffle in connection with a qualified agricultural fair, qualified community—wide civic festival or qualified world's fair shall be in effect from the date the license was issued through the conclusion of the fair or festival.
- (d) A license issued to conduct a card ((tournaments f))tournament((f)) shall be valid only for the duration of the tournament, but in no event shall exceed ten consecutive days.
- (e) A license issued to conduct a fund raising ((events †))event((†)) shall be valid for one year from the date issued but the event (or events) permitted under the license shall be held only at the place and time set forth in the application or otherwise approved by the commission. The number of events permitted under the license in any calendar year is subject to the limitations set out in RCW 9.46.0233 defining a fund raising event.
- (f) A license issued to an individual shall be valid for a period of one year from the date of employment or issuance, whichever occurs first: Provided, a bingo game manager license shall expire as set out in WAC 230-04-145.
- (g) If any licensee fails to renew a license prior to its expiration date, the license shall expire. A new application must then be submitted.
- (h) Licenses approved under the six month payment plan shall be issued with an expiration date of six months from the license approval date or the original license expiration date, whichever is applicable. Upon receipt and validation of the second half payment, a licensee may be granted a second license for an additional six month period. Second half payments must be received by the commission on or before the due date. If the licensee fails to submit the second half of the fee payment(s) as established by WAC 230-04-201 prior to the expiration date, the license shall expire.
- (((9))) (11) Conditions of license issuance. All activities so licensed are licensed subject to compliance with all of the applicable provisions of chapter 9.46 RCW, including any amendments thereto, all applicable rules

and regulations passed by the commission, all other applicable laws of the United States, the state of Washington and all political subdivisions of the state of Washington which include but are not limited to the following:

- (a) Business licenses or permits;
- (b) Health certificates;
- (c) Fire inspections;
- (d) Use and occupancy permit; and
- (e) Liquor license or permit.

AMENDATORY SECTION (Amending Order 199, filed 10/17/89, effective 1/1/90)

WAC 230-04-201 FEES. Tables 1 and 2 contain the fees that shall be paid to the commission for gambling licenses, permits, miscellaneous changes, and special investigative and inspection services.

Table 1. (For bona fide nonprofit/charitable organizations)

LICEN	ISE TYPE		DEFINITION		FEE
1.	AMUSEMENT (GAMES	(Fee based on annual ((net)) gross receipts)		
- •	Class A		((\$500 or less)) Up to \$5,000	\$ ((35))) 50
	Class B		((\$501 - 1,000)) Up to \$15,000	((50))	
	Class C		((\$1,001 - 5,000)) Up to \$25,000	((75))	
	Class D		((\$5,001 - 15,000)) Up to $$50,000$	((250))	
	Class E		((over \$15,000)) <u>over \$50,000</u>	((350))	
2.	BINGO				
	GROUP	CLASS	(Fee based on annual gross gambling receipts)		
	Ī	Class A	Up to \$15,000	\$	50
	•	Class B	\$ 15,001 to 50,000	•	150
		Class C	\$ 50,001 to 100,000		300
		Class D	\$ 100,001 to 300,000		800
		Class E	\$ 300,001 to 500,000		1,350
		Class E	\$ 500,001 to 1,000,000		2,700
	П	Class G			3,900
	11				
		Class H	\$ 1,500,001 to 2,000,000		5,200
		Class I	\$ 2,000,001 to 2,500,000		6,500
	***	Class J	\$ 2,500,001 to 3,000,000		7,800
	III	Class K	\$ 3,000,001 to 3,500,000		8,750
		Class L	\$ 3,500,001 to 4,000,000		0,000
		Class M	Over \$4,000,000	1	1,250
3.	BINGO GAME		Original	\$	150
	MANAGER		Renewal		75
4.	CARD GAMES				
	Class A		General (fee to play charged)	\$	500
	Class B		Limited card games – to hearts, rummy,		
			mah-jongg, pitch, pinochle,		
		•	and/or cribbage – (fee to play charged)		150
	Class C		Tournament only - no more than ten		
			consec. days per tournament		50
	Class D		General (no fee to play charged)		50
	Class R		Primarily for recreation (WAC 230-04-199)		25
5.	CHANGES			······································	
	NAME		(See WAC 230-04-310)	\$	25
	LOCATION		(See WAC 230-04-320)		25
	FRE		(Reno Nite date(s)/time(s))		
			(See WAC 230-04-325)		25
	LICENSE CLAS	SS	(See WAC 230-04-260) New class fee, less		
			previous fee paid, plus		25
			and the second contract of the second contrac		_

LICE	NSE TYPE	<u>DEFINITION</u>			FEE
	REPLACEMENT IDENTIFICATION STAMPS	(See WAC 230-30-016)			25
	· · · · · · · · · · · · · · · · · · ·				
6.	FUND RAISING EVENT	0	Carrage Rus	r	200
	Class A	One event not more than 24		\$	300
	Class B	One event not more than 72			500
	Class C	Additional participant in join (not lead organization)	int event		150
		(not lead organization)			150
7.	PERMITS	Agricultural fair/special pro			
	Class A	One location and event only	(see WAC 230-04-191)	\$	25
8.	PUNCHBOARDS/	(Fee based on annual gross			
	PULL TABS	gambling receipts)	(One time variance)		
	Class A	Up to \$ 50,000	\$ 5,000	\$	475
	Class B	Up to \$ 100,000	\$ 5,000		850
	Class C	Up to \$ 200,000	\$10,000		1,600
	Class D	Up to \$ 300,000	\$10,000		2,325
	Class E	Up to \$ 400,000	\$10,000		3,000
	Class F	Up to \$ 500,000	\$10,000		3,625
	Class G	Up to \$ 600,000	\$10,000		4,200
	Class H	Up to \$ 700,000	\$10,000		4,725
	Class I	Up to \$ 800,000	\$10,000		5,200
	Class J	Up to \$ 1,000,000	\$20,000		5,900
	Class K	Up to \$ 1,250,000	\$25,000		6,550
	Class L	Up to \$ 1,500,000	\$25,000		7,150
	Class M	Up to \$ 1,750,000	\$25,000		7,650
	Class N	Up to \$ 2,000,000	\$25,000		8,100
	Class O	Over \$2,000,000	Nonapplicable		8,900
		A licensee will be allowed a	one-time variance for each		
		license class without having	to upgrade or pay the penalties		
			260; Provided, a licensee utilizing		
		the variance shall be require	ed to upgrade upon recertification.		
—— 9.	RAFFLES	(Fee based on annual gross	gambling receipts)	.	
-	Class A	Up to \$ 5,000		\$	50
	Class B	Up to \$ 10,000			150
	Class C	Up to \$ 25,000			300
	Class D	Up to \$ 50,000			500
	Class E	Up to \$ 75,000			800
	Class F	Over \$ 75,000			1,200
10.	SEPARATE PREMISES				
	BINGO	Occasion (see WAC 230-04	1–300)	\$	25

	NSE TYPE	DEFINITION			FEE
11.	SPECIAL FEES INVESTIGATION	(See WAC 230-04-240)	As	requ	uired
	IDENTIFICATION AND INSPECTION STAMP	(See WAC 230-30-015 and 230-30-030)	As	reai	uired
	EXCEEDING LICENSE CLASS	(See WAC 230-04-260)			uired
		In addition to all normal license fees,		•	
		a licensee may be assessed an exceeding class fee			
		for a present or previous license year, not to exceed 50% of the difference between the present class fee			
		and the new license class or \$1,000, whichever is less.			
— 12.	SIX-MONTH PAYMENT PLAN	The commission may allow an		s	25
	2	applicant renewing an annual license or an		Ť	
		applicant applying for an additional license			
		with a fee of \$800 or above, to pay a license fee			
		in two payments. SIX-MONTH PAYMENT PLAN PROCEDURE:			
		The administrative processing fee, plus the first half			
		of the annual license fee must be submitted at the time			
		of application/renewal. The second half payment must			
		be submitted and received in the commission's Olympia			
		headquarters office, prior to the expiration date of			
		the first six-month period: Provided, That participants			
		electing the six-month payment plan will be limited to 50% of the authorized class limitation for annual			
		gross receipts during the first six-month period.			
		Licensees exceeding 50% of the authorized level shall			
		be required to upgrade to the appropriate license class			
		as required by WAC 230-04-260 and pay the full upgrade			
—— Table	e 2. (For commercial stimulant/pr	as required by WAC 230-04-260 and pay the full upgrade fee, plus \$25.00.			
	e 2. (For commercial stimulant/pr	as required by WAC 230-04-260 and pay the full upgrade fee, plus \$25.00.			FEE
LICEN	ISE TYPE	as required by WAC 230-04-260 and pay the full upgrade fee, plus \$25.00. rofit seeking organizations)			FEE
LICEN		as required by WAC 230-04-260 and pay the full upgrade fee, plus \$25.00. rofit seeking organizations)			FEE
LICEN	SE TYPE CARD GAMES	as required by WAC 230-04-260 and pay the full upgrade fee, plus \$25.00. rofit seeking organizations) DEFINITION (Fee to play charged) limited card games – to hearts, rummy, pitch, pinochle,			
LICEN	CARD GAMES Class B	as required by WAC 230-04-260 and pay the full upgrade fee, plus \$25.00. rofit seeking organizations) DEFINITION (Fee to play charged) limited card games – to hearts, rummy, pitch, pinochle, mah-jongg, and/or cribbage		\$	
LICEN	SE TYPE CARD GAMES	as required by WAC 230-04-260 and pay the full upgrade fee, plus \$25.00. Tofit seeking organizations) DEFINITION (Fee to play charged) limited card games - to hearts, rummy, pitch, pinochle, mah-jongg, and/or cribbage Tournament only, no more than ten consec.		\$	150
LICEN	CARD GAMES Class B Class C	as required by WAC 230-04-260 and pay the full upgrade fee, plus \$25.00. Tofit seeking organizations) DEFINITION (Fee to play charged) limited card games – to hearts, rummy, pitch, pinochle, mah-jongg, and/or cribbage Tournament only, no more than ten consec. days per tournament		\$	150
LICEN	CARD GAMES Class B Class C Class D	as required by WAC 230-04-260 and pay the full upgrade fee, plus \$25.00. Tofit seeking organizations) DEFINITION (Fee to play charged) limited card games – to hearts, rummy, pitch, pinochle, mah-jongg, and/or cribbage Tournament only, no more than ten consec. days per tournament General (no fee to play charged)		\$	150
LICEN	CARD GAMES Class B Class C	as required by WAC 230-04-260 and pay the full upgrade fee, plus \$25.00. Tofit seeking organizations) DEFINITION (Fee to play charged) limited card games – to hearts, rummy, pitch, pinochle, mah-jongg, and/or cribbage Tournament only, no more than ten consec. days per tournament		\$	150 150 50
	CARD GAMES Class B Class C Class D Class E E-1 E-2	as required by WAC 230-04-260 and pay the full upgrade fee, plus \$25.00. DEFINITION (Fee to play charged) limited card games – to hearts, rummy, pitch, pinochle, mah-jongg, and/or cribbage Tournament only, no more than ten consec. days per tournament General (no fee to play charged) General (fee to play charged) One table only Up to two tables		\$	150 150 50 350
LICEN	CARD GAMES Class B Class C Class D Class E E-1 E-2 E-3	as required by WAC 230-04-260 and pay the full upgrade fee, plus \$25.00. DEFINITION (Fee to play charged) limited card games – to hearts, rummy, pitch, pinochle, mah-jongg, and/or cribbage Tournament only, no more than ten consec. days per tournament General (no fee to play charged) General (fee to play charged) One table only Up to two tables Up to three tables		1	150 150 50 350 600 ,000
LICEN	CARD GAMES Class B Class C Class D Class E E-1 E-2 E-3 E-4	as required by WAC 230-04-260 and pay the full upgrade fee, plus \$25.00. DEFINITION (Fee to play charged) limited card games – to hearts, rummy, pitch, pinochle, mah-jongg, and/or cribbage Tournament only, no more than ten consec. days per tournament General (no fee to play charged) General (fee to play charged) One table only Up to two tables Up to three tables Up to four tables		1 2	150 150 50 350 600 ,000
LICEN	CARD GAMES Class B Class C Class D Class E E-1 E-2 E-3	as required by WAC 230-04-260 and pay the full upgrade fee, plus \$25.00. DEFINITION (Fee to play charged) limited card games – to hearts, rummy, pitch, pinochle, mah-jongg, and/or cribbage Tournament only, no more than ten consec. days per tournament General (no fee to play charged) General (fee to play charged) One table only Up to two tables Up to three tables		1 2	150 150 50 350 600 ,000
LICEN	CARD GAMES Class B Class C Class D Class E E-1 E-2 E-3 E-4 E-5	as required by WAC 230-04-260 and pay the full upgrade fee, plus \$25.00. DEFINITION (Fee to play charged) limited card games — to hearts, rummy, pitch, pinochle, mah-jongg, and/or cribbage Tournament only, no more than ten consec. days per tournament General (no fee to play charged) General (fee to play charged) One table only Up to two tables Up to four tables Up to five tables Up to five tables		1 2 3	150 50 350 600 ,000 ,000
LICEN	CARD GAMES Class B Class C Class D Class E E-1 E-2 E-3 E-4 E-5 CHANGES NAME	as required by WAC 230-04-260 and pay the full upgrade fee, plus \$25.00. Tofit seeking organizations) DEFINITION (Fee to play charged) limited card games – to hearts, rummy, pitch, pinochle, mah-jongg, and/or cribbage Tournament only, no more than ten consec. days per tournament General (no fee to play charged) General (fee to play charged) One table only Up to two tables Up to three tables Up to four tables Up to five tables (See WAC 230-04-310)		1 2	150 150 50 350 600 ,000 2,000
LICEN	CARD GAMES Class B Class C Class D Class E E-1 E-2 E-3 E-4 E-5	as required by WAC 230-04-260 and pay the full upgrade fee, plus \$25.00. DEFINITION (Fee to play charged) limited card games — to hearts, rummy, pitch, pinochle, mah-jongg, and/or cribbage Tournament only, no more than ten consec. days per tournament General (no fee to play charged) General (fee to play charged) One table only Up to two tables Up to four tables Up to five tables Up to five tables		1 2 3	150 150 50 350 600 ,000 2,000 2,000
LICEN	CARD GAMES Class B Class C Class D Class E E-1 E-2 E-3 E-4 E-5 CHANGES NAME LOCATION BUSINESS CLASSIFICATION	as required by WAC 230-04-260 and pay the full upgrade fee, plus \$25.00. DEFINITION (Fee to play charged) limited card games — to hearts, rummy, pitch, pinochle, mah-jongg, and/or cribbage Tournament only, no more than ten consec. days per tournament General (no fee to play charged) General (fee to play charged) One table only Up to two tables Up to three tables Up to four tables Up to five tables Up to five tables (See WAC 230-04-310) (See WAC 230-04-320) (Same owners – see WAC 230-04-340(3))		1 2 3	150 150 50 350 600 ,000 2,000
LICEN	CARD GAMES Class B Class C Class D Class E E-1 E-2 E-3 E-4 E-5 CHANGES NAME LOCATION BUSINESS	as required by WAC 230-04-260 and pay the full upgrade fee, plus \$25.00. DEFINITION (Fee to play charged) limited card games — to hearts, rummy, pitch, pinochle, mah-jongg, and/or cribbage Tournament only, no more than ten consec. days per tournament General (no fee to play charged) General (fee to play charged) One table only Up to two tables Up to three tables Up to four tables Up to five tables Up to five tables (See WAC 230-04-310) (See WAC 230-04-320)		1 2 3	150 150 50 350 600 ,000 2,000 3,000

LICENS	SE TYPE	DEFINITION		FEE
	DUPLICATE LICENSE OWNERSHIP OF STOCK REPLACEMENT	(See WAC 230-04-290) (See WAC 230-04-340(1))		25 50
	IDENTIFICATION STAMPS LICENSE TRANSFERS	(See WAC 230-30-016) (See WAC 230-04-125, 230-04-340 and 230-04-350)		25 50
3.	Class A Class B Class C Class D Class E Class F	(Fee based on annual gross sales of gambling related supplies and equipment) Non-punchboard/pull tab only Up to \$250,000 \$250,001 to \$500,000 \$500,001 to \$1,000,000 \$1,000,001 to \$2,500,000 Over \$2,500,000	\$ \$ \$	500 1,000 1,500 2,000 2,600 3,200
		In addition to the annual fee, the Commission will assess all applicants the actual costs incurred in conducting the initial investigation and inspection necessary for certification.		
4.	DISTRIBUTOR'S REPRESENTATIVE	Original Renewal	\$	200
5.	ELECTRONIC CRANE SEPARATE PREMISES	(For locations only see WAC 230-04-190) Original Renewal	<u> </u>	5 250 150
<u>6.</u>	Class A Class B Class C Class D Class E Class F	(Fee based on annual gross sales of gambling related supplies and equipment) Machines only Up to \$250,000 \$250,001 to \$500,000 \$500,001 to \$1,000,000 \$1,000,001 to \$2,500,000 Over \$2,500,000	\$ \$. \$:	500 1,000 1,500 2,000 2,600 3,200
		In addition to the annual fee, the Commission will assess all applicants the actual costs incurred in conducting the initial investigation and inspection necessary for certification.		,
((6)) <u>7.</u>	MANUFACTURER'S REPRESENTATIVE	Original Renewal	\$	200 125
((7)) <u>8</u> .	PERMITS Class A Class B	Agricultural fair/special property bingo One location and event only (see WAC 230-04-191) Annual permit for specified different events and locations (see WAC 230-04-193)	\$	25 150

LICENS	SE TYPE	DEFINITION		FEI
((8))	PUBLIC	Original	\$	150
<u>9</u> .	CARD ROOM EMPLOYEE	Renewal		75
((9))	PUNCHBOARDS/	(Fee based on annual gross		
10.	PULL TABS	gambling receipts) (One time variance	e)	
	Class A	Up to \$ 50,000 \$ 5,000	\$	475
	Class B	Up to \$ 100,000 \$ 5,000		850
	Class C	Up to \$ 200,000 \$10,000		,60
	Class D	Up to \$ 300,000 \$10,000		,32
	Class E	Up to \$ 400,000 \$10,000		,000
	Class F Class G	Up to \$ 500,000 \$10,000 Up to \$ 600,000 \$10,000		,625 ,200
	Class H	Up to \$ 700,000 \$10,000		,72
	Class I	Up to \$ 800,000 \$10,000		,20
	Class J	Up to \$ 1,000,000 \$20,000		,90
	Class K	Up to \$ 1,250,000 \$25,000		,550
	Class L	Up to \$ 1,500,000 \$25,000		,150
	Class M	Up to \$ 1,750,000 \$25,000		,650
	Class N	Up to \$ 2,000,000 \$25,000		,100
	Class O	Over \$2,000,000 Nonapplicable	8	,900
		A licensee will be allowed a one-time variance for each license class without having to upgrade or pay the penset forth in WAC 230-04-260; Provided, a licensee ut the variance shall be required to upgrade upon recertification.	alties ilizing	
((10))	SPECIAL FEES INVESTIGATION	(See WAC 230-04-240)	As Requ	iireo
	IDENTIFICATION AND		•	
	INSPECTION STAMP	(See WAC 230–30–015 and 230–30–030)	As Requ	
	EXCEEDING LICENSE CLASS	(See WAC 230–04–260)	As Requ	iire
		In addition to all normal license fees,		
		a licensee may be assessed an exceeding class fee for a present or previous license year, not to exceed		
		50% of the difference between the present class fee and the new license class or \$1,000, whichever is less.		
((11)) 12.	SPECIAL LOCATION/ ELECTRONIC CRANE OPERATOR AMUSEMENT GAMES	(Fee based on annual ((net)) gross receipts)		
	Class A	((One event per year lasting no longer than		
		12 consecutive days	\$5 (00)
		<u>Up to \$50,000</u>		500
	Class B	((\$25,000 or less)) \$ 50,001 to \$ 100,000	((500))	
	Class C	((\$25,001 - 100,000)) 100,001 to 250,000	$((\frac{1,500}{2,000}))$ $\frac{2}{2}$	
	Class D Class E	((\$100,001 - 500,000)) 250,001 to 500,000	$((\frac{3,000}{6}))$ $\frac{3}{6}$	
	Class F	((Over \$500,000)) <u>500,001 to 1,000,000</u> Over 1,000,000	$((\frac{5,000}{7})) \ \overline{\frac{6}{7}}$,000 ,500
	<u></u>	<u> </u>		,500
((12))	SIX-MONTH PAYMENT PLAN	The commission may allow an	\$	25
<u>13</u> .		applicant renewing an annual license or an	•	
		applicant applying for an additional license		
		with a fee of \$800 or above, to pay a license fee		
		in two payments.		
		SIX-MONTH PAYMENT PLAN PROCEDURE:		
		The administrative processing fee, plus the first half		

LICENSE TYPE DEFINITION FEE

of the annual license fee must be submitted at the time of application/renewal. The second half payment must be submitted and received in the commission's Olympia headquarters office, prior to the expiration date of the first six-month period: Provided, That participants electing the six-month payment plan will be limited to 50% of the authorized class limitation for annual gross receipts during the first six-month period. Licensees exceeding 50% of the authorized level shall be required to upgrade to the appropriate license class as required by WAC 230-04-260 and pay the full upgrade fee, plus \$25.00.

AMENDATORY SECTION (Amending Order 179, filed 6/14/88)

WAC 230-08-010 MONTHLY RECORDS. Every person or organization licensed to operate any authorized gambling activity shall keep and maintain permanent monthly records of all of the activities of the licensee related to each licensed activity. ((†))Each of these records shall be maintained by the licensee for a period of not less than three years from the end of the fiscal year for which the record is kept unless the licensee is released by the commission from this requirement as to any particular record or records. ((†)) These records must include all financial transactions and contain enough detail to determine compliance with the requirements of WAC 230-04-((050 and)) 024, 230-04-080 and 230-08-122. The record for each licensed activity shall be a separate unit, covering all transactions occurring during a calendar month. These records shall be complete in every detail and available for audit or inspection by agents of the commission or other law enforcement personnel no later than thirty days following the end of each month. Each record shall include, but not necessarily be limited to, all details of the following:

- (1) The gross gambling receipts from the conduct of each of the activities licensed.
- (2) Full details on all expenses related to each of the activities licensed.
- (3) The total cost of all prizes paid out for each of the activities licensed.
- (4) With respect to those organizations licensed as qualified bona fide charitable or bona fide nonprofit organizations, except agricultural fairs, records shall clearly show in detail how those proceeds from each licensed activity obtained by the licensee were used or disbursed by that licensee.
- (5) With respect to commercial stimulant licensees, records shall include at least the following details:
- (a) Gross sales of food and drink for consumption on their licensed premises;
- (b) Gross sales of food and drink for consumption off the licensed premises; and
- (c) Gross sales from all other business activities occurring on the licensed premises.

- (6) In addition to any other requirement set forth in these rules, licensees for the operation of punchboards and pull tabs shall be required to prepare a detailed monthly record for punchboards and pull tab series removed from play during that month. This detailed monthly record shall be recorded in a standard format prescribed by the commission and shall disclose for each set at minimum the following information:
 - (a) The name of the punchboard or pull tab series;
- (b) The Washington state identification and inspection services stamp number issued by the commission and placed thereon: Provided, that after December 31, 1988, when records entry labels are attached to the punch-board or pull tab series flare, a label shall be attached to the record in lieu of a written entry;
 - (c) The date removed from play;
- (d) The total number of tabs in each pull tab series or the total number of punches in each punchboard;
- (e) The number of pull tabs or punches remaining after removal from play;
- (f) The number of pull tabs or punches played from the pull tab series or punchboard;
- (g) The cost to the players to purchase one pull tab or one punch;
- (h) The gross gambling receipts as defined in WAC 230-02-110;
- (i) The total prizes paid, including both cash and merchandise (calculated by the cost to the licensee) prizes;
- (j) The net gambling receipts (gross gambling receipts less total prizes paid);
- (k) The cash over or short determined by (1) subtracting actual cash from net gambling receipts for punchboards and pull tabs which pay cash prizes, and (2) subtracting actual cash from gross receipts for punchboards and pull tabs which award merchandise prizes; and
- (1) The actual cash received from the operation of each pull tab series or punchboard; and,
- (m) ((In the alternative, w)) With written commission approval, licensees operating pull tabs may record (k) and (l) in total on a daily, weekly, or monthly basis, if their record keeping procedures meet commission standards and cash over and short ratio for the last four

quarters is less than one quarter of one percent (.0025)

of gross receipts.

- (7) In addition to any other requirements set forth in these rules, electronic crane operators who own or lease the games shall be required to prepare a detailed monthly record covering the operation of each machine. This record shall contain the following for each machine and location:
- (a) The Commission identification stamp number of each game;
- (b) The coin-in meter reading at the beginning of the month:
- (c) The coin-in meter reading at the ending of the month;
 - (d) The number of plays;
 - (e) The gross gambling receipts;
 - (f) Number of prizes awarded;
 - (g) Cost of prizes awarded;
 - (h) Net gambling receipts;
 - (i) The actual cash removed; and
 - (j) The cash over and short.
- (((7))) (8) Copies of all additional financial data which support tax reports to any and all governmental agencies.
- (([Each of these records shall be maintained by the licensee for a period of not less than three years from the end of the fiscal year for which the record is kept unless the licensee is released by the commission from this requirement as to any particulars record or records.]))

AMENDATORY SECTION (Amending Order 179, filed 6/14/88)

WAC 230-08-017 CONTROL AND USE OF IDENTIFICATION AND INSPECTION SERVICES STAMPS. No punchboard, series of pull tabs, ((or)) mechanical or electronic device for dispensing pull tabs or electronic crane game shall be sold or purchased for use within this state until an identification and inspection services stamp obtained from the commission has been permanently and conspicuously affixed thereto. Once attached, such stamp shall not be removed, disfigured, or otherwise tampered with by any person. These stamps shall be attached and controlled in the following manner:

- (1) Identification and inspection services stamps shall be sold only to licensed manufacturers. The fee charged for each stamp shall be twenty-five cents. After September 1, 1988, all punchboards and pull tabs series manufactured, if for sale in Washington state must have identification and inspection stamps plus records entry labels attached. Manufacturers who have identification and inspection services stamps on hand after September 1, 1988, which do not have records entry labels attached, will be afforded the opportunity to exchange these stamps, one for one and without cost by submitting them to the commission's Olympia headquarters office prior to October 1, 1988. After October 1, 1988, any stamps returned will be exchanged only after payment of a ten cent service charge, for each stamp as set out in WAC 230-30-018;
- (2) Identification stamps shall only be affixed to punchboards, pull tab series flares, ((and)) mechanical

- or electronic devices for dispensing pull tabs and electronic crane games in such a manner as to assure reasonable inspection without obstruction. If punchboards or pull tabs series flares are packaged with protective materials, after stamps are affixed, then the stamps shall be readily visible for inspection without removal of any portion of the protective packaging: Provided that when more than one device is packed in a shipping carton, this requirement shall not apply if the identification and service stamp numbers of all devices contained in the carton are printed or otherwise noted on the outside of the carton. Stamps and records entry labels shall be affixed only by licensed manufacturers in the following manner:
- (a) On the reverse side of all punchboards in an area that will not obstruct removal of punches: Provided, that if sufficient space is not available on the reverse side, the records entry labels may be wrapped around and/or partially attached to the edge of a punchboard in a manner that will not obstruct display of prizes available or other information required by rules of the commission;
- (b) On the face or reverse side of the flare for all pull tab series. If placed on the face, then they must be in an area that will not obstruct prizes available or any other information required by rules of the commission; and
- (c) On the outside of the main body of pull tab dispensing devices, in an area that is not normally removed and replaced, and in a manner that will not obstruct the view of the pull tabs available for play. The records entry labels shall not be affixed to dispensing devices and may be discarded.
- (d) On electronic crane games inside the prize area of the device in a location as approved by the commission staff.
- (3) Identification and inspection services stamps shall not be attached to punchboards, pull tab series flares, ((or)) pull tab dispensing devices, or electronic crane games that do not comply with rules of the commission. Stamps shall not be affixed to any device prior to approval of the device by the commission.

AMENDATORY SECTION (Amending Order 179, filed 6/14/88)

WAC 230-08-025 ACCOUNTING RECORDS TO BE MAINTAINED BY DISTRIBUTORS AND MANUFACTURERS. Every licensed distributor and manufacturer shall keep and maintain a complete set of records which include all details of all activities of the licensee related to the conduct of the licensed activity. These records shall be recorded using the double entry accounting system (([prepared])) and maintained in accordance with generally accepted accounting principles. This system shall also be on the same basis as the licensee's federal income tax return. All records shall be maintained for a period of not less than three years following the end of the licensee's fiscal year. These records shall be updated at least once a month and provide a monthly balance for each account. The minimum record system shall include the following:

(1) Sales invoices – every manufacturer and distributor shall record every sale, return, or any other type of

transfer of punchboards/pull tabs ((or)), pull tab dispensing devices or electronic crane game by completing a standard sales invoice or credit memo. These invoices shall set out the following information:

- (a) Each invoice must be prenumbered at the time of purchase. The numbering must be consecutive, using not less than four digits: Provided, that manufacturers may use a computer generated numbering system if the same system is used for all sales and specific numbers can not be input by use of a manual override function;
- (b) The date of sale. For distributors only: If the date of delivery is different, then the delivery date must also be entered:
- (c) The customer's name and an adequate business address:
- (d) A full description of each item sold, including the identification and inspection services stamp number for each item. For all sales occurring after December 31, 1988, distributors shall use a standard invoice in a format prescribed and approved by the commission. A separate line shall be used for each stamp number. This invoice shall provide space for the operator to either attach a records entry label or enter the identification and inspection services stamp number and the date the device was placed out for play. These spaces shall be adjacent to the written entry of the I.D. stamp number made by the distributor:
- (e) The quantity and sales price of each individual item, including individual items of merchandise to be used as prizes on punchboards and pull tabs;
- (f) The gross amount of each sale to each customer including all discount terms and the total dollar amount of any discount;
- (g) The sales invoice shall be prepared in at least three parts: Provided that after December 31, 1988, all distributor invoices shall have at least four parts; and the invoices shall be distributed and maintained as follows:
- (i) The original shall be issued to the customer: Provided that after December 31, 1988, an additional copy of distributor invoices shall be provided to the customer;
- (ii) One shall be retained in an invoice file by customer name; and
- (iii) One shall be retained in an invoice file by invoice number or in an alternative manner that accounts for each invoice numerically. This provision may be waived if the licensee receives written commission approval.
- (h) Credit memos for returned items shall be prepared in the same detail as items (a) through (g) above.
- (2) Sales journal the sales journal shall contain at least, but not be limited to, the following by month:
 - (a) The date of the sale;
 - (b) The invoice number of the sale;
- (c) The customer name or person remitting a payment;
- (d) Sales shall be categorized at least by the following:
 - (i) Punchboards that pay out cash prizes;
 - (ii) Punchboards that pay out merchandise prizes;
 - (iii) Pull tabs that pay out cash prizes;
 - (iv) Pull tabs that pay out merchandise prizes;
 - (v) Pull tab dispensing devices;

- (vi) Merchandise: Only that which is used as a prize on a punchboard, ((or series of)) pull tab((s)) series or in an electronic crane game.
 - (vii) Electronic crane games;
- (viii) Other types of sales including but not limited to, equipment leases, equipment sales, and bingo supplies.
 - (e) Total amount of the invoice;
- (3) Cash disbursements book (check register) this record shall include a recording of all checks issued by the licensee, cash payments made by the licensee, or payments made by any other means. All expenses by the licensee, both gambling and nongambling related, shall be documented by invoices or other appropriate supporting documents. Entries to this record shall contain at least, but not limited to, the following information by month:
 - (a) The date the check was issued or payment made;
 - (b) The number of the check issued;
 - (c) The name of the payee; and
- (d) Each disbursement shall be categorized by type of expense.
- (4) Cash receipts all cash receipts shall be recorded in an original book of entry whether it be a sales journal, a check register, or a separate cash receipts journal, and at a minimum shall include a recording of not only cash sales, but also cash received from all sources, and shall contain at least, but not limited to, the following by month:
 - (a) The date the payment was received;
 - (b) The name of the person remitting the payment;
 - (c) The amount of payment received;
- (5) General ledger each licensee whose gambling related sales exceed \$500,000 per year, shall have a general ledger which shall contain, in addition to all other accounts by month, a separate sales account for each type of sale.
- (6) Bank reconciliation a bank reconciliation shall be performed each month. In addition, all undeposited funds at year end shall be reconciled in an account titled cash on hand.
- (7) Copies of all financial data which support tax reports to any and all governmental agencies.
- (8) Manufacturer shall maintain records that provide an accountability trail for all identification and inspection stamps purchased. These records shall include enough details to allow audit of all used, unused, and damaged stamps and includes the following minimum items:
 - (a) The name of the purchaser;
 - (b) The date of the sale; and
 - (c) The invoice number recording the sale.
- (9) An alternative format may be used for sections (1)(a), (1)(g)(ii), (1)(g)(iii), (1)(h), (2), and (3), above upon advance written approval from the commission.

NEW SECTION

WAC 230-08-060 ELECTRONIC CRANE AMUSEMENT GAME RECORDS. Licensees for the operation of electronic crane games shall be required to prepare a detailed record for each machine operated. Licensees who do not own electronic crane games are exempt from all portions of this rule. This record shall

be a prescribed format provided by the Commission. Each record shall include the following:

- (1) Cash Withdrawal Record. A separate cash withdrawal record shall be maintained for each game and shall include the following entries for each cash withdrawal:
 - (a) Date;
 - (b) Ending "coin-in" meter reading;
 - (c) Beginning "coin-in" meter reading;
 - (d) Cost per play;
 - (e) Expected cash;
 - (f) Actual cash removed.
- (2) Prize Reconciliation Record. The prize reconciliation record shall include at a minimum the following information:
- (a) The number of prizes in each machine at the beginning of each month;
 - (b) The average cost of each prize in each machine;
- (c) The number of prizes purchased during the period and the average cost of each prize purchased;
- (d) A physical count of the number of prizes on hand at the end of the period and the average cost of each prize on hand; and
- (e) The total number of prizes awarded and the average cost of each prize awarded.

AMENDATORY SECTION (Amending Order 147, filed 2/22/85)

WAC 230-08-140 QUARTERLY ACTIVITY REPORTS BY DISTRIBUTORS. (1) Each licensed distributor shall submit an activity report to the commission concerning ((the operation of the licensed activity and other matters set forth below during each of the following periods of the year)) sales and services relating to gambling activities each quarter. The report form shall be furnished by the commission. Quarterly reporting periods are defined as:

- (a) January 1st through March 31st;
- (b) April 1st through June 30th;
- (c) July 1st through September 30th; and
- (d) October 1st through December 31st.

((If the licensee does not renew his license, then he shall file a report for the period between the previous report filed and the expiration date of his license.

The report form shall be furnished by the commission and t)) (2) The completed report shall be received in the office of the commission or postmarked no later than 30 days following the end of the period for which it is made.

- (3) The report shall be signed by the highest ranking executive officer or ((his)) their designee. If the report is prepared by someone other than the licensee or ((his)) their employee, then the preparer ((shall also sign the report))'s name and business telephone number must be provided.
- (4) The report shall include, among other items, the following:
- (((1))) (a) The gross receipts from all sales of devices, equipment or merchandise of any kind which could be used to operate, or in connection with, punchboards, pull tabs, ((or)) pull tab dispensing devices, or electronic

<u>crane games</u>, where such sales are made in the state of Washington or for use or distribution within this state.

- (((2))) (b) The quantity of each specific type of device, equipment or merchandise sold within this state or for distribution and use within this state by the licensee.
- (((3))) (c) A listing of the name and address of each person who was a distributor's representative for the licensee during the three month period or who attempted to solicit sales of such devices, equipment or merchandise, either within the state of Washington or for use or distribution within the state.
- (((4))) (d) The number of employees in the state of Washington other than those listed in (3) above.
- (5) Each distributor with an active license must submit a report regardless of the level of activity. If no activity was conducted during the period, a report stating "no activity" shall be submitted.
- (6) If a licensee does not renew their license, then they shall file a report for the period between the previous report filed and the expiration date of the license.

AMENDATORY SECTION (Amending Order 147, filed 2/22/85)

WAC 230-08-150 QUARTERLY ACTIVITY REPORTS BY MANUFACTURERS. Each licensed manufacturer shall submit an activity report to the commission concerning ((the operation of the licensed activity and other matters set forth below during each of the following periods of the year)) all sales and services relating to gambling activities each quarter. The report form shall be furnished by the commission. Quarterly reporting periods are defined as:

- (a) January 1st through March 31st;
- (b) April 1st through June 30th;
- (c) July 1st through September 30th; and
- (d) October 1st through December 31st.
- ((If the licensee does not renew his license, then he shall file a report for the period between the previous report filed and the expiration date of his license.

The report form shall be furnished by the commission and t)) (2) The completed report shall be received in the office of the commission or postmarked no later than 30 days following the end of the period for which it is made

- (3) The report shall be signed by the highest ranking executive officer or $(\frac{\text{his}}{\text{sign}})$ their designee. If the report is prepared by someone other than the licensee or $(\frac{\text{his}}{\text{sign}})$ their employee($(\frac{1}{2})$),($(\frac{1}{2})$) then the preparer shall also sign the report.
- (4) The report shall include, among other items, the following:
- (((1))) (a) The gross receipts from all sales of devices, equipment, or merchandise of any kind which could be used to operate, or in connection with, punchboards, pull tabs, ((or)) pull tab dispensing devices, or electronic crane games, when such sales are made in the state of Washington or for distribution or use within the state of Washington.
- (((2))) (b) The quantity of each specific type of such device, equipment, or merchandise sold within the state or for distribution or use within the state of Washington by the licensee.

- (((3))) (c) A listing of the name and address of each person who was a manufacturer's representative for the licensee or who solicited sales of such devices or equipment for or on behalf of the licensee within the state of Washington or for use or distribution within the state.
- (((4))) (d) The number of employees in the state of Washington other than those listed in (3) above.
- (5) ((A summary of the prices charged by the licensee for each specific type of such device, equipment, paraphernalia, or merchandise of any kind sold or furnished by the licensee during the period for which the report is made. If the price of a particular item has varied during the period, each such change shall be listed together with the date each such change was made.)) Each manufacturer with an active license must submit a report regardless of the level of activity. If no activity was conducted during the period, a report stating "no activity" shall be submitted.
- (6) If a licensee does not renew their license, then they shall file a report for the period between the previous report filed and the expiration date of the license.

NEW SECTION

WAC 230-08-180 QUARTERLY ACTIVITY REPORTS BY ELECTRONIC CRANE OPERAT-ORS. (1) Each licensee for the operation of electronic crane games shall submit an activity report to the commission concerning the operation of the licensed activity and other matters set forth below during each of the following periods of the year:

- (a) January 1st through March 31st;
- (b) April 1st through June 30th;
- (c) July 1st through September 30th; and
- (d) October 1st through December 31st.
- (2) The report form shall be furnished by the commission and the completed report shall be received in the office of the commission or postmarked no later than 30 days following the end of the period for which it is made.
- (3) The report shall be signed by the highest ranking executive officer or their designee. If the report is prepared by someone other than the licensee or their employee, then the preparer's name and business telephone number must be provided.
- (4) If the licensee does not renew his license, then he shall file a report for the period between the previous report filed and the expiration date of his license.
- (5) The report shall be completed in accordance with the related instructions furnished with the report. The report shall include the following:
 - (a) The total gross gambling receipts;
 - (b) The total cost to the licensee of all prizes paid out;
- (c) Full details of all expenses related to the purchase and operation of electronic crane games;
 - (d) Total net gambling income;
- (e) The number of machines by denomination of price of play at the end of the period;
- (6) In addition to the above, electronic crane operators operating electronic cranes at separate premises shall provide:
 - (a) The business name and address;

- (b) The number of machines by each denomination of price of play at the end of the reporting period;
 - (c) The total gross gambling receipts;
- (d) The amount of funds distributed to the separate premise licensee.

AMENDATORY SECTION (Amending Order 175, filed 3/15/88)

WAC 230-20-605 TYPES OF AMUSEMENT GAMES AUTHORIZED. The commission hereby authorizes the following amusement games whether coin operated or not, to be operated by persons possessing a special location amusement games license, or bona fide charitable or nonprofit organizations possessing a license issued by the gambling commission or when conducted as authorized by RCW ((9.46.032(1) [))9.46.0321((])) at an authorized location. For clarification, games will be classified as either "nondispensing" (operator awards prize or redeems tickets or tokens for prize) or "self-dispensing" (game awards merchandise prize).

- (1) Nondispensing amusement games.
- (a) Fish pond (duck pond). The player "catches" a fish or other object floating in a pond of water by using a pole, hand, net or string. All fish or objects are marked on the bottom indicating the size of prize the player wins. The player is awarded a prize every time and the player must be allowed to continue playing until a prize is won.

When played at school carnivals, the game may be played without the pond of water and the operator of the game may assist the player by attaching a prize to the pole, hand, net or string.

- (b) Hoop or ring toss. The player must toss a hoop(s) or ring(s) over a target which may consist of bottles, pegs, blocks, or prizes. The operator must specifically advise the player as to the degree that the hoop(s) or ring(s) must go over the target. All hoops of the same color used at an individual stand must be the same size. All targets used at an individual booth must be the same size or the operator must advise the player by posting signs or using color codes denoting the different sizes.
- (c) Dart games. The target area for all dart games must be of a material capable of being penetrated and retaining a metal tip dart. The target area will be in the rear of the stand and will be at least three feet but not more than fifteen feet from the foul line. Target must be stationary at all times.
- (i) Balloon (poparoo) (balloon smash). The targets are inflated balloons. The player throws one or more darts to burst a predetermined number of balloons. If the predetermined number of balloons are burst by the dart(s), the player receives the prize indicated.
- (ii) Dart throw. The targets are various sizes and shapes located on the target area. The player must throw dart(s) individually at the target. The player must hit and the dart must stick in a predetermined target to win the prize as designated.
- (iii) Tic tac toe dart. The target is a tic tac toe board located in the target area. The player throws darts at the target and wins a designated prize when the thrown darts line up in a row in the target. The darts may line up vertically, horizontally or diagonally to win.

- (iv) Add um up darts. The target consists of numbered squares located in the target area. Prizes are awarded based on the total score obtained by the player by throwing and sticking the darts in the numbered squares. All darts stuck on lines will receive a rethrow. The player has the right to add up the score of the darts thrown.
- (d) Ball tosses. In all ball toss games, the balls used at a specific stand must be of the same weight and size. Targets must be of the same weight and size or the operator must color code the targets and advise the player of the difference in targets by posting a sign or providing a duplicate of the target showing the limitations or restrictions readily visible to the player.
- (i) Milk bottle toss. The player tosses or throws ball(s) at simulated milk bottles. The player wins by either tipping over or knocking bottles off the raised platform as designated by the operator. The bottles may be constructed of wood, metal or plastic or a combination of the above three. Operators may vary the number of bottles and balls used in each game. No floating or loose weights in bottles shall be allowed. The weight of individual bottles shall not exceed seven and one-half pounds.
- (ii) Milk can (Mexican hat, cone). The player tosses a ball(s) into the opening of a milk can or a fiber glassed Mexican hat turned upside down or through a cone to win
- (iii) Football toss (tire toss). The player tosses or throws a football(s) through a stationary tire or hoop to win.
- (iv) Basketball toss/throw. The player tosses or throws a basketball(s) through a basketball type hoop to win.
- (v) Bushel baskets. The player tosses a ball(s) into a bushel type basket mounted on a stationary backdrop at a fixed angle. The ball(s) must stay in the basket to win. All rim shots will be allowed except the operator may designate the top 6 inches of the basket rim by color and disallow ball(s) striking this area as winning tosses.
- (vi) Cat-ball-toss (star/diamond toss). The player tosses a ball(s) into a simulated cat's mouth or a round, diamond or star shaped hole to win.
- (vii) Ping pong toss. The player tosses ping pong balls into dishes, saucers, cups or ashtrays floating in water. A predetermined number of balls must remain in the dishes, saucers, cups or ashtrays for the player to win. The dishes, saucers, cups or ashtrays must have water covering the bottom of the surface which is facing up.
- (viii) Fish bowl game. The player tosses ping pong balls into a water-filled fish bowl to win.
- (ix) Volley ball toss (soccer ball). The player tosses a volley or soccer ball(s) into a keg type container mounted on a stationary backdrop at a fixed angle. The ball(s) must stay in the keg to win a prize. Rim shots are authorized as stated in paragraph (e) above for bushel baskets.
- (x) Goblet ball (whiffle ball). The player tosses a whiffle ball(s) into a target area of glass or plastic goblets. Located in the target area are colored goblets which determine the type of prize the player wins. At least 33 percent of the goblets in the target area must be

- winners. The ball(s) must stay in the goblet to win a prize.
- (xi) Break the plate/bottle. The player tosses or throws a ball(s) at a plate, phonograph record or bottle. The type of prize won is determined by the number of targets broken by the player.
- (xii) Punk rack. The targets for this game are rows of dolls or cats on a ledge at the rear of the stand. The dolls or cats must be filled with sawdust, styrofoam, cotton or other like material which provides a firm base for the ball to strike. The hair protruding from the side of the dolls or cats shall not exceed three inches. The prize is determined by how many dolls or cats the player knocks over or off the ledge as posted by the operator.
- (xiii) Teeth game. The target consists of a large face with wooden teeth. The prize is determined by how many teeth the player knocks down by throwing a ball(s).
- (xiv) Toilet game (doniker). The player tosses or throws a ball or other object through a toilet seat, which is located at the rear of the stand, to win.
- (xv) (Coke roll). The player rolls a ball(s) down an alley with the object of knocking over two coke bottles standing at the end of the alley. The player must tip over both bottles to win. Bottles shall be placed on predetermined spots painted on the surface of the alley.
- (xvi) Rolldown. The player rolls ball(s) down an alley with the object of putting the ball(s) in numbered slots at the end of the alley. The scores represented by the balls in each numbered slot are added up at the conclusion of the game. Scores above or below a predetermined score win. The alley surface shall at all times be smooth and free from defects.
- (xvii) Fascination (I got it). A group game which involves competition among the players. The target area consists of twenty-five holes and the player tosses or rolls a ball into one of the holes. The object of the game is to get five balls in a row either vertically, horizontally or diagonally. The first player to accomplish this is the winner. Prize size is determined by the number of players participating in each game.
- (xviii) Pokereno. The target area consists of twenty-five squares with each square given the value of a poker card. The player rolls or tosses five balls to land in the squares. The operator has predetermined winning poker hands and the player wins when balls land in the squares that duplicate the operators selection.
- (xiv) Batter-up. The player uses a whiffle ball bat to swing and strike whiffle balls which are pitched at medium speed from a pitching machine. The player wins when he "hits" a ball into the "home run" shelf. The "home run" shelf is located at the back of the batting cage approximately fifteen feet from the player.
- (xxi) Sky bowling. Two bowling pins are set on predetermined painted spots on a shelf. A ball is attached to a chain suspended from a stationary support at least 6 inches to the right or left of the bowling pins. The object is to swing the ball, miss the pins with the ball as it goes forward and knock the pins over as the ball returns.
- (xxii) Clown rolldown. A ball is tossed through the open mouth of a moving clown or animal head. The ball then rolls down a chute to numbered slots to the rear of

the clown or animal head. The scores represented by the balls in each numbered slot are added up at the conclusion of the game. Prizes are awarded on the points achieved.

- (xxiii) Skee ball. The player rolls a ball(s) up the mechanical bowling alley into targets. A computer adds up the scores and predetermined scores win.
- (xxiv) Speedball radar game. Player gets four balls. Player throws three balls through radar to establish speeds and to estimate at what speed fourth ball will pass through radar. Player wins prize if he accurately estimates speed of the fourth ball. Radar must be mounted and stationary.
- (e) Shooting games. These games are conducted by the player using a weapon of some type to shoot at a target in the rear of the stand. The safety requirement of the local city or county ordinances must be observed by the operator and player. The target may be stationary or mobile.
- (i) Short range (shooting gallery) includes where the player is given four rounds to shoot at a spot target 1/4 inches or less in diameter. The player wins when the spot target is completely shot out, or the player is given five rounds to shoot one round each at five triangular, round or square targets, 1/2 square inch. The prize is determined by the number of targets struck by the player, or the player is given five rounds to shoot one round each at five triangular, round or square targets, 1/2 square inch. Within each target is a bull's eye and the player must hit the bull's eye without touching outer surface of the target. The prize won is determined by the number of bull's eyes correctly hit.
- (ii) Shoot-out-the-star (machine gun). The player, using an automatic air pellet gun, is given 100 pellets to shoot at a star shaped target. The player must shoot out all of the target to win. The star cannot be more than one and one quarter inch from point to point.
- (iii) Water racer. This group game involves competition with the player winning a prize based on the number of players competing. The player, using a water pistol, shoots the water into a target. The water striking the target causes a balloon to inflate or advances an object to ring a bell. The player bursting the balloon or ringing the bell first is the winner.
- (iv) Rapid fire. This group game involves competition among players similar to the water racer described in (c) above. The player uses an electronic pistol to shoot at a target. Hits on the target give the player a score and the first player to reach a predetermined score is the winner.
- (v) Cork gallery. The player uses a cork gun or similar device to propel objects which could include, but are not limited to, corks, suction cup darts, or styrofoam balls, to shoot at targets located on a shelf or bull's—eye type target. The player must hit the bull's—eye or knock the target over or off the shelf to win a prize. The prize is determined by the target knocked over or off the shelf or by the number of targets knocked over or off the shelf, or by the player accomplishing other tasks as stated in the posted rules. When suction cup darts or other darts are used and fail to stay on or in the target, the player will receive the play over. The base of each target shall be uniform front and rear.

- (vi) Boomball. The player uses a cannon with compressed air to propel balls into a target area. The targets have varied point value and if the ball remains in the target, a computer adds up the scores. Prizes are awarded based on the points achieved.
 - (f) Coin pitchers.
- (i) Spot pitch (lucky strike). The player pitches a coin at colored spots located on a table in the center of the stand. The coin must touch or stay inside of a spot to win a prize.
- (ii) Plate pitch. The player pitches a coin onto a glass plate to win a prize as designated.
- (iii) Glass pitch (bowl). The player pitches a coin into or onto dishes, glasses, etc. If the coin remains in one of the top "target" glass items then the player wins that item.
 - (g) Miscellaneous games.
- (i) Skill chute (bulldozer) (penny fall). The player inserts a coin or token into a chute aiming the coin or token so that it will fall in front of a continuous sweeper, (bulldozer). If the coin or token is aimed correctly, the sweeper (bulldozer) will push additional tokens or prizes into a hole or chute which sends them to the player. Tokens are exchanged for prizes. If there is a hidden ledge, tip or similar obstruction which inhibits the passage of tokens or prizes into the hole or chute which sends them to the player, then the operator must post a sign to advise the players.
- (ii) Tip-em-up bottle. The player is provided with a pole and a string which has a hoop or ring attached at the end. The player, using the pole with ring, must raise a bottle lying on its side to an upright position to win.
- (iii) Hi-striker. The player, using a wooden maul, must strike a lever target which causes a metal weight to rise on a guide line or track and ring a bell. The player must ring the bell a predetermined number of times to win a prize.
- (iv) Rope ladder. Player must climb up a rope ladder, which is anchored at both ends by a swivel and ring a bell or buzzer to win a prize.
- (v) Whac-a-mole. A group game which has a target surface with 5 holes animated "moles" pop up and down at random. Whac (hit) as many moles as possible with a mallet. First player to hit a predetermined number of moles wins.
- (vi) Dip bowling game. Player rolls a bowling type ball over hump in track. If ball stays on the back side of hump, the player wins.
- (vii) Horse race derby. A group game. Players advance their horse by shooting or rolling a ball in target area. The faster and more skillful one shoots or rolls his ball, the faster his horse will run. First horse to finish line wins.
- (viii) Shuffleboard. Player pushes a puck(s) down a shuffleboard alley to knock over poly pins at end of alley. Player wins by knocking down all the pins.
- (ix) Bean bag. The player tosses or throws a bean bag or a simulated bean bag at cans, bottles or other objects on a raised platform. The player wins a prize when he either knocks the object(s) off the raised platform or tips the targets over.

- (x) Soccer kick. The player kicks a soccer ball(s) through a hole(s) in the target area to win.
- (xi) Frog game. Plastic frog or similar object sits on a small end of teeter totter. The opposite end of the teeter totter is struck with a mallet causing the frog to fly off the teeter totter. If the frog lands in a pail or similar receptacle, the player wins a prize.
- (xii) Cover the spot. The object of the game is for player to drop 5 circular discs onto a circular spot, completely covering the spot. The diameter of each of the discs utilized to cover the spot will be a minimum of 64% of the diameter of the spot to be covered. The spot to be covered shall be painted or drawn on a permanent, solid material such as metal or wood, or may be a round opened lighted circle. The spot and each disc shall have a uniform diameter.
- (xiii) Pocket billiards. Using a regulation pocket billiard table, a player must run a consecutive number of balls to win a prize. The number of balls shall be set by the operator.
 - (2) Self-dispensing amusement games.
- All self-dispensing amusement games must have nonresetable coin in meters. The following games are authorized;
- (a) Digger. The player turns a crank on a mechanical crane to pick up a prize. If the player picks up a prize then the player wins that prize. There can be no stops on the digger or, if there are stops, all prizes must be the same. All prizes must be capable of being picked up by the crane.
- (b) ((Electronic crane (claw) games. The player uses a joystick or buttons to maneuver the crane into a position to grab the desired prize. All games must allow at least 15 seconds per play; the crane must be able to reach any prize situated on the upper tier of prizes, must be able to maneuver to the back of the game, and to the right or left to ensure all areas are accessible to the crane, and must be able to pick up and return to drop slot all prizes contained in game. The crane mechanism must be preset by the factory to be able to pick up at least 4 ounces; all prongs must be touching or within a quarter of an inch of touching each other while the crane is in the closed position. In addition, all cranes must be clearly labeled as to maximum weight and dimensions of prizes, and all operating instructions must be in plain view so as to inform players as to how the game is played.)) Electronic crane games. The player uses a joystick and/or push buttons to maneuver the crane into a position to retrieve a prize. All games must meet the following conditions:
- (i) At least twenty (20) seconds playing time per operation thereof;
- (ii) The crane must be capable of reaching, picking up and dispensing all prizes within the machine.
- (iii) The crane cabinet must be level so that when the crane's head descends, it makes a vertical descent to the bottom of its travel, this being perpendicular to the bottom of the prize access area and parallel to the cabinet sides.
- (iv) The controls for the crane must be clearly labelled as to function and signs posted giving instructions on crane play to the player as follows:

- (a) Time of play;
- (b) Functional limitations of machine;
- (c) Weight limit of prizes in machine;
- (d) Weight limit of machine;
- (e) Dimensional limit of machine;
- (f) Dimensional limits on prizes;
- (g) Dimensional limits on claw; and
- (h) Cost per play.
- (v) The device may not contain any controls, devices, switches or adjustments which allow the changing of any play characteristics or modes by the operator, but may have service adjustments within the device which allow maintenance of operation within the tolerances for the device as set by the manufacturer and as approved by the commission. All adjustable parameters associated with game play must be wire strapped and that portion of the circuit board marked with a colored, urethane seal coating.
- (vi) All EPROMS and circuit boards must be sealed in place and have identifying codes on them which readily identify their source and Washington use certification. All such circuit boards and EPROMS must be contained within the separate sealed compartment accessible only to service and commission personnel as set forth in (v) above.
- (vii) The device must be certified as capable of picking up four (4) ounces, but may be certified as picking up greater weights.
- (viii) The claw must close completely or have no more than a 1/4" gap between prongs when closing is completed.
- (ix) The device must have a hard wired non-resettable coin in meter, the removal or disconnecting of which stops the play of the machine. The meter must be certified as accurate to within plus or minus 1 coin in 1,000 plays.
- (x) The device must have a coin acceptor capable of taking money for one play and may have an additional acceptor to include paper money not to exceed the cost of five plays.
- (xi) It must be demonstrated that voltage to the claw provides sufficient power to clamp and hold the certified weight and is maintained at a line voltage of 115 VAC plus or minus 10 volts AC during all plays, continuous or repeated.
- (xii) The power cord to the solenoid must not significantly effect a player's skill factor by causing the claw mechanism to descend into the prize area in a non-perpendicular manner.
- (xiii) The claw assembly must be a sealed unit without adjustments.
- (xiv) The game must provide a locked coin/currency container within the device to collect the monies received from plays.
- (xv) Prizes must be loose and shall not be packed, arranged or lodged in the machine in any way which would prevent the prize from being picked up by the claw.
- (3) ((Any additional games or modification of the games authorized above, must be submitted to the commission staff in writing prior to being used in the state. In addition, a written request shall include proposed

rules of play and specifications for each game. A demonstration of the game may be required by the commission staff to be made in Olympia or at such place as designated by the commission staff. After review, the director may temporarily authorize a new or modified game, in writing, subject to final approval by the commission.)) Any additional games, or a modification of the games authorized above, must be submitted to the commission staff in writing PRIOR to using the new or modified game in the state. The written request shall include proposed rules of play, game specifications and pictures of the game or modification. A demonstration of the game must be provided to the staff, upon request, in Olympia or at such place as designated by the commission staff. Manufacturers of electronic crane games must submit a crane of each variety, model, brand or type which they will sell or use in Washington State for review, analysis and approval prior to selling or using said cranes in Washington State. A fee will be assessed by the commission to offset the cost of review and analysis as required. Said review shall include submission of copies of all schematics, programs and program chips for the device in a form as provided by the commission, additionally, once approved, one device from each licensed manufacturer shall be selected by the commission staff at random from in play devices for review and analysis every other year as if it were a new device being submitted for approval, the cost of which shall be assessed against the manufacturer by the commission. Excess fees submitted shall be returned at the completion of the review and analysis.

After review, the Director may temporarily authorize the use of a new or modified game, in writing, subject to final approval by the commission.

AMENDATORY SECTION (Amending Order 175, filed 3/15/88)

WAC 230-20-630 AMUSEMENT GAMES—FEES, RULES, PRIZES AND VARIATIONS IN OBJECTS TO BE POSTED—FEES TO BE PAID IN CASH OR SCRIPT—PRIZES NOT TO DIFFER FROM THOSE POSTED. (1) No person shall conduct any amusement game at any location within the state of Washington unless there is posted in a conspicuous place, readily visible to persons playing the game, a sign(s) made of permanent material, such as wood, poster board, metal or plastic with lettering at least one and one-half inches in height that contains the following information:

- (a) Fees charged for playing;
- (b) The rules by which the game is to be played;
- (c) Prizes to be won;
- (d) Any variation in the size or weight of objects utilized in the game which is not readily visible to the player; and
- (e) The name of the operator and an assigned concession number.
- (2) Licensed amusement game operators shall assign each concession a number and a list of all concessions and their assigned numbers shall be kept available in the show office.

- (3) No amusement games shall be conducted wherein the price charged for playing said game is paid other than in cash, or in an amount other than that posted upon the premises of said game. The term "cash" as used herein shall include checks. In addition, the operator may accept as consideration, tokens, script or tickets, but only under the following conditions:
- (a) The value of each token, ticket or item of script, as measured by the equivalent amount of cash which a player would have to present in lieu of said token, ticket or script, must be indicated on the face thereof;
- (b) Said tokens, tickets or script are not redeemable for cash:
- (c) Said tickets or script shall bear the name of the operator or sponsor.
- (4) No amusement games shall be conducted within the state of Washington wherein the prize to be given to a prospective winner is other than that posted upon the premises of said game: Provided, however, That after an individual player has won two or more prizes, an operator may offer said player the opportunity to exchange said prizes for one or more other prizes, but only if the prize to be received by the player in exchange was ((available to be won)) on display during the play of the game. Any prize system which requires forfeiture of previously won prize(s) in exchange for another play is prohibited. Operators of amusement games may utilize a scheme for distribution of prizes wherein the winners of individual prizes receive tickets, which are subsequently redeemable in combination with other tickets won for a merchandise prize. Provided further that no prize offered in an electronic crane game shall exceed a cost of \$20.00 and the step up prizes shall not exceed a cost of \$100.00 to the electronic crane operator. In locations which allow children under the age of eighteen to play, no step up prizes shall be allowed for electronic crane games.

NEW SECTION

WAC 230-20-670 ELECTRONIC CRANE AMUSEMENT GAMES - APPROVED LOCATIONS. (1) Persons other than bona fide charitable or bona fide nonprofit organizations may operate electronic crane amusement games at the following locations if licensed by the Commission:

- (a) Those locations that possess a valid license from the Washington State Liquor Board and prohibit minors on their premises; and
- (b) Those locations that are frequented by children under the age of eighteen to participate in activities other than the playing of amusement devices, limited to movie theaters, bowling alleys, and miniature golf course facilities; and
- (c) Those locations that operate adult-supervised family amusement centers located in enclosed shopping malls which prohibit children under the age of eighteen from playing licensed, self-dispensing amusement games during school hours; maintain full-time personnel whose responsibilities include maintaining security and daily machine maintenance; and which close at the same time as surrounding businesses within the enclosed shopping mall.

- (2) Each location where electronic cranes are operated, other than a single premises, operated and under the control of the holder of an electronic crane operator's license, shall be required to obtain an "electronic crane separate premises" license. It shall be the responsibility of the electronic crane operator to ensure that each premises is licensed with the commission prior to operating electronic cranes at that location.
- (3) A person licensed as an electronic crane operator may enter into a contract with separate premise licensees to operate electronic cranes on their premises. The contract must be written and specific in terms, setting out the time of the contract, amount of rent or consideration, rent due dates, and all expenses to be borne by each party: Provided, that the amount of rent/consideration may be based on a percentage of revenue generated by the activity if the method of distribution is specific. All contracts regarding the operation of electronic cranes shall be submitted to the Commission and become a part of the license file. Violations of the terms of the contract by an electronic crane operator shall be grounds for suspension or revocation of their license.
- (4) The maximum fee to play shall be up to \$1.00 per game at the locations specified in (1)(a) above, and up to 25 cents at the locations specified in (1)(b) and (c) above.

WSR 89-24-003 PERMANENT RULES GAMBLING COMMISSION

[Order 200—Filed November 27, 1989, 8:59 a.m.]

Date of Adoption: November 15, 1989.

Purpose: To implement the new Administrative Procedure Act, chapter 34.05 RCW.

Citation of Existing Rules Affected by this Order: Amending WAC 230-50-010, 230-50-012, 230-50-020, 230-50-030, 230-50-060, 230-50-150, 230-50-160, 230-50-190, 230-50-200, 230-50-210, 230-50-230, 230-50-300, 230-50-330, 230-50-390, 230-50-550, 230-50-610, 230-50-630, 230-50-800 and 230-50-850; new sections WAC 230-02-035, 230-50-225, 230-50-560, 230-50-570 and 230-50-580; and repealing WAC 230-04-123, 230-04-130, 230-50-070, 230-50-140, 230-50-220, 230-50-240, 230-50-250, 230-50-260, 230-50-270, 230-50-280, 230-50-290, 230-50-430, 230-50-600, 230-50-620, 230-50-810, 230-50-820, 230-50-830, 230-50-950 and 230-60-015.

Statutory Authority for Adoption: Chapter 34.05 RCW.

Pursuant to notice filed as WSR 89-19-084 on September 20, 1989.

Effective Date of Rule: Thirty-one days after filing.

Ronald Bailey for Frank L. Miller Deputy Director

NEW SECTION

WAC 230-02-035 FIELD OFFICES AND OP-ERATIONS. The administrative office of the commission and its staff is located at 4511 Woodview Drive S.E., Lacey, 98504-8121. Commission offices located in other cities are as follows:

CITY	PHONE NUMBER
Eastern Region	
Spokane 99207 123 East Indiana	(509) 456–3167
Moses Lake 98837 Ahlers Building, Suite A 310 S. Balsam	(509) 765-0450
Yakima 98902 901 Summitview, #230	(509) 575–2820
Kennewick 99336 500 N. Morain, Suite 1202	(509) 545–2056
Northwest Region	
Seattle 98134 666 S. Dearborn International Bldg.	(206) 464–6466
Southwest Region	
Tacoma 98405 1201 S. Proctor	(206) 593–2227
Vancouver 98663 Suite 5, Angelo Plaza 1801 D Street	(206) 696–6783
Olympia 98502 2625C, Suite B, Parkmont Lane S.W.	(206) 586–4392

AMENDATORY SECTION (Amending Order 98, filed 2/25/80)

WAC 230-50-010 ADJUDICATED PROCEED-INGS - HEARINGS. (1) Adjudicated proceedings shall be commenced for any and all matters wherein the commission is causing administrative charges to be brought against any applicant, licensee or permittee within the limitations to RCW 34.05 as applicable.

(2) The commission ((will)) shall afford an applicant for a license an opportunity for a ((hearing)) n adjudicated proceeding prior to ((final commission action)) denying such application, and shall afford a licensee the opportunity for a ((hearing)) n adjudicated proceeding prior to ((taking final action)) suspending((;)) ((terminating)) or revoking a license((: Provided, That the commission or the director may summarily temporarily suspend licenses in those cases where such action is deemed appropriate by the commission or the director. In cases where a license is suspended prior to hearing, an opportunity for a hearing shall be provided promptly)).

(((2))) (3) The commission will afford a person applying to the commission to exceed the limit on gross receipts in bingo games under WAC 230-20-251 an opportunity for a ((hearing)) n adjudicated proceeding

prior to ((taking any final action)) denying that application.

(((3))) (4) The commission will afford a person applying to the commission for approval of a pull tab dispensing device under WAC 230-30-095 an opportunity for a ((hearing)) n adjudicated proceeding prior to ((final commission action)) denying approval of such device.

(((4))) (5) No hearing will be ((held)) conducted with respect to ((such agency action)) any adjudicated proceeding unless ((it)) a application for an adjudicated proceeding and request for hearing is timely ((demanded)) filed by the applicant or licensee ((in writing by the applicant or licensee)) with the commission in compliance with WAC 230-50-210. ((A demand for hearing)) The application must be made upon a form to be obtained from the commission, or facsimile thereof, and must be received ((in the offices of the commission)) within ((15)) 20 days following service upon the party affected by the commission or the director of a ((summary)) notice of ((the)) administrative charges ((or complaints against the party being made or considered together with a statement of any action which may be taken in the event no hearing is demanded)) and opportunity for an adjudicated proceeding. Said document shall contain the maximum penalty that may be assessed should an application not be filed by the party affected. An application for an adjudicated proceeding and request for hearing shall accompany all notices of administrative charges.

(6) If ((demand for hearing)) an application for an adjudicated proceeding is not timely filed, then the party affected shall have waived the right to a hearing on the allegations set forth in the notice of administrative charges. The ((director)) party shall be deemed to be in default pursuant to RCW 34.05.440 and the commission and director may take ((the)) action ((set out in the statement previously served, or some action of lesser degree)) against the party not to exceed the maximum penalty as stated in the notice of administrative charges and opportunity for an adjudicated proceeding, which action shall be final.

AMENDATORY SECTION (Amending Order 29, filed 1/23/75)

WAC 230-50-012 ((DIRECTOR MAY TEMPORARILY SUSPEND LICENSE PENDING A HEARING)) EMERGENCY ADJUDICATED PROCEEDINGS - SUMMARY SUSPENSIONS. (1) The director may temporarily suspend a license or permit issued pursuant to these rules pending a hearing upon suspension or revocation of the license, or issuance of a renewal thereof, for a period not to exceed 90 days when in the opinion of the commission or the director:

(((1))) (a) The licensee or permittee has obtained the license or permit by fraud, trick, misrepresentation, concealment, or through inadvertence or mistake; or

(((2))) (b) The licensee or permittee has engaged in any act, practice or course of operation as would operate as a fraud or deceit on any person, or has employed any device, scheme or artifice to defraud any person; or

(((3))) (c) The licensee or permittee has again violated, failed, or refused to comply with any of the provisions, requirements, limitations, or duties imposed by chapter 9.46 RCW and any amendments thereto, or any rules adopted by the commission pursuant thereto, after having been previously notified by the commission, its authorized representatives, or by local law enforcement personnel, that a violation or violations of the same or similar provisions had been, or were being, committed by the licensee or permittee; or

(((4))) (d) Immediate cessation of the licensed or permitted activities by the licensee or permittee is necessary for the protection or preservation of the welfare of the community within which these activities are being conducted.

(2) When a license or permit has been temporarily suspended by the director, ((prior to a hearing)) an emergency adjudicated proceeding shall be commended and ((pursuant hereto,)) the licensee or permittee shall be afforded an opportunity for a hearing before an Administrative Law Judge or the commission, ((or a hearing officer,)) upon the question of the suspension or revocation of the license or permit, or upon the renewal of the license or permit ((if it would)) should it expire ((within)) during the period of temporary suspension. If a ((hearing is demanded)) n application for an adjudicated proceeding and request for hearing is timely filed by the licensee or permittee, ((it)) then a hearing shall be held within 90 days ((from)) of the effective date of the temporary suspension ordered by the director.

AMENDATORY SECTION (Amending Order 9, filed 12/19/73)

WAC 230-50-020 ((HEARING EXAMINERS))
ADJUDICATED PROCEEDINGS-APPOINTMENT
OF ADMINISTRATIVE LAW JUDGE. (1) The commission ((may appoint a hearing officer to conduct hearings with respect to the denial of licenses and the suspension, termination or revocation of licenses in cases where it deems it appropriate. The hearings shall be conducted in compliance with these rules.

After a hearing is concluded by a hearing officer, the hearing officer shall prepare and distribute to the parties findings of fact, conclusions of law and a decision of the matter. Each party shall have twenty days from the date of service upon that party to file written exceptions to these findings, conclusions and decision of the hearing officer with the commission. If such exceptions, together with any written argument in support thereof, are not timely filed with the commission, then the findings, conclusions and decision of the hearing officer shall be adopted by the commission and shall be final.

If written exceptions and any written argument are timely filed with the commission, then a majority of the commissioners shall consider the exceptions and any written argument, and the record of the hearing, or such part of the record as is cited as material by the parties. The commission, in its discretion, may allow the parties to present oral arguments.)) hereby appoints the office of Administrative Hearings and the Administrative Law Judges to preside at all hearings which result from the commencement of adjudicated proceedings unless the

commission, by its own order declares its intent to preside at a specific proceeding or the proceeding is an appeal of an initial order issued by an administrative law judge. The administrative law judge may hereinafter be referred to as the "presiding officer."

(2) All hearings shall be conducted in compliance with these rules, RCW 34.05 AND WAC 10-08 as applicable.

AMENDATORY SECTION (Amending Order 45, filed 12/30/75)

WAC 230-50-030 ((HEARINGS—METHODS))
ADJUDICATED PROCEEDINGS-HEARINGS—
INTERPRETER - TIMING. Hearings conducted as part of adjudicated proceedings provided for in WAC 230-50-010 shall be initiated ((called and conducted in the following manner)) as follows:

- (1) The chair((man)) person of the commission, ((or)) some member of the commission acting in ((his)) the absence of the chairperson or the director, shall give written approval ((to the holding of any hearing)) to initiated a notice of administrative charges and opportunity for an adjudicated proceeding. ((When it has been determined that a hearing shall be held,)) After such approval is granted, the entire commission file and/or record ((of the premises and licensee(s) involved)) on the licensee shall be ((given to)) forwarded to the assistant attorney general assigned to prosecute at the ((commission, who will hereinafter be referred to as the attorney.
- (2) The attorney shall prepare a written complaint which shall fully advise the licensee(s) of all charges which will be considered at the hearing. The complaint shall be signed by the chairman of the commission or some member of the commission acting in his absence or the director, after which the attorney shall deliver the original and such copies as may be necessary to any hearing officer appointed by the commission pursuant to WAC 230-50-020.
- (3) The commission, a commissioner, or a hearing officer designated by the commission shall conduct the hearing, which shall be held as soon as feasible. Each licensee charged shall be served with a copy of the complaint together with written notice of the time and place of the hearing and the issues involved. Such notice and complaint shall be served not less than 20 days prior to the hearing unless the licensee consents to shorter notice.
- (4) Subpoenas may be issued by the officer, the director, or a commissioner, who shall issue them when requested by the attorney, a licensee or a licensee's attorney, and he may issue them on his own motion. Subpoenas may be issued by the attorney general and any of his assistants, and may also be issued by any attorney of record of a party.
- (5) Nothing herein contained shall prevent the director of the commission, as authorized by the commission, to temporarily suspend licenses; subject to final action by the commission, as authorized by RCW 9.46.070(1).)) hearing. The notice shall be served upon the licensee or applicant in accordance with WAC 230-50-010. An application for adjudicated proceeding and request for

hearing must be filed with the commission pursuant to WAC 230-50-010.

(2) Upon receipt of an application for adjudicated proceeding and request for hearing form, the director shall issue a notice of hearing. The notice of hearing shall contain all charges upon which the hearing will be conducted, and shall be served on the licensee, applicant, permittee or attorney representing the party at least 7 days prior to the date of the hearing. A copy of the notice of hearing shall be served upon the presiding officer assigned to the proceeding.

(3)(a) All notices of hearing shall be accompanied by a standard statement in at least five (5) common foreign languages, such languages to be those known by the commission staff to be languages used by some licensees, along with forms to request an interpreter to include assistance for hearing impaired persons at the hearing.

(b) Nothing herein contained shall prevent the commission or the director, as authorized by the commission, to temporarily suspend licenses, subject to final action of the commission, as authorized by RCW 9.46.070(1) and WAC 230-50-012.

(4) The presiding officer shall conduct the hearing within 90 days from the date upon which the commission received the application for adjudicated proceeding and request for hearing from the licensee, applicant or permittee, unless all parties agree to an extension of time beyond the 90 days by mutual consent. Any deviation for the 90 day requirement shall be in writing and made a part of the permanent record of the proceeding.

AMENDATORY SECTION (Amending Order 9, filed 12/19/73)

WAC 230-50-060 ADJUDICATED PROCEED-INGS - APPEARANCE AND PRACTICE BEFORE THE COMMISSION—WHO MAY APPEAR. No person may appear in a representative capacity before the Washington state gambling commission, hereinafter referred to as the commission, or its designated ((hearing officer)) Administrative Law Judge other than the following:

- (1) Attorneys at law duly qualified and entitled to practice before the supreme court of the state of Washington.
- (2) Attorneys at law duly qualified and entitled to practice before the highest court of record of any other state, if the attorneys at law of the state of Washington are permitted to appear in a representative capacity before administrative agencies of such other state, and if not otherwise prohibited by our state law.
- (3) A bona fide officer, authorized manager, partner, or full time employee of an individual firm, association, partnership, or corporation who appears for such individual firm, association, partnership or corporation.
 - (4) An individual representing himself, pro se.
- (5) Such interpreters for persons with a limited understanding of the English language or hearing impaired persons as provided for in WAC 10-08-150.
- (6) Such other persons as may be permitted by the commission upon a showing by a party to the hearing of such a necessity or such a hardship as would make it

unduly burdensome upon him to have a representative as set forth under subsections (1), (2) and (3) above.

AMENDATORY SECTION (Amending Order 9, filed 12/19/73)

WAC 230-50-150 ADJUDICATED PROCEED-INGS - NOTICE ((AND OPPORTUNITY FOR HEARING IN CONTESTED CASES)) OF HEAR-ING-REQUIREMENTS. ((In any contested case, a)) All parties that have filed a timely application for adjudicated proceeding shall be served with a notice of hearing at least ((twenty)) seven days before the date set for the hearing unless all parties consent to a shorter period. The notice shall state the time, place and issues involved, as required by RCW 34.04.090(1).

AMENDATORY SECTION (Amending Order 9, filed 12/19/73)

WAC 230-50-160 ADJUDICATED PROCEED-INGS - SERVICE OF PROCESS—BY WHOM SERVED. The commission shall cause to be served all orders, notices and other ((papers)) documents issued by it, together with any other ((papers)) documents which it is required by law to serve. Every other ((paper)) document shall be served by the party filing it.

AMENDATORY SECTION (Amending Order 9, filed 12/19/73)

WAC 230-50-190 ADJUDICATED PROCEED-INGS - SERVICE OF PROCESS—METHOD OF SERVICE. Service of ((papers)) all orders, notices and other documents shall be made personally or((, unless otherwise provided by law, by)) first class, registered((,)) or certified mail((; or by)), telegraph, or by commercial parcel service company.

AMENDATORY SECTION (Amending Order 9, filed 12/19/73)

WAC 230-50-200 ADJUDICATED PROCEED-INGS - SERVICE OF PROCESS—WHEN SERVICE COMPLETE. Service ((upon parties)) of notices and other documents shall be regarded as complete as follows: ((By mail, the third day following deposit in the United States mail properly stamped and addressed; by telegraph, when deposited with a telegraph company properly addressed and with charges prepaid.)) (1) By personal service, upon delivery to the person, attorney representing the party, designated agent of the party, any person over the age of 18 residing at the residence of the party or corporate officer.

- (2) By mail, upon deposit in the United States mail properly stamped and addressed; service is complete on the third day after mailing, excluding the date of mailing.
- (3) By telegraph, upon deposit with a telegraph company, properly addressed and with all charges paid.
- (4) By electronic telefacsimile device of confirmation of the transmission and the same day deposit in the United States mail according to section 2 above.

(5) By commercial parcel delivery service, upon delivery to the parcel delivery company, properly addressed and with all charges paid.

AMENDATORY SECTION (Amending Order 9, filed 12/19/73)

WAC 230-50-210 ADJUDICATED PROCEED-INGS - SERVICE OF PROCESS—FILING WITH AGENCY. ((Papers)) Documents required to be filed with the commission shall be deemed filed upon actual receipt ((by the commission at the place specified in its rules accompanied by proof of service upon parties required to be served.)) of the documents in the headquarters office of the commission accompanied by proof of service upon parties required to be served, or by delivery to any office of the commission during normal business hours and at such time as a member of the staff of the commission is occupying such office so as to personally receive the papers. Delivery of documents to any office of the commission other than the headquarters office when said office is not occupied by a commission staff member who can personally accept the documents shall NOT constitute a lawful service of papers for any matter under the jurisdiction of the Gambling Commission.

NEW SECTION

WAC 230-50-225 ADJUDICATED PROCEED-INGS – DISCOVERY. The presiding officer of an Adjudicated Proceeding may issue subpoenas and protective orders as a part of an Adjudicated Proceeding. The agency may issue subpoenas as may the attorney representing the licensee, applicant or permittee, or the licensee, applicant or permittee may issue subpoenas if they represent themselves. All such subpoenas must be filed with the presiding officer assigned to conduct the hearing, together with proof of proper service, at least 7 days prior to the date of the hearing which they are issued for.

AMENDATORY SECTION (Amending Order 9, filed 12/19/73)

WAC 230-50-230 ADJUDICATED PROCEED-INGS - SUBPOENAS((-ISSUANCE TO PAR- THES)), ISSUANCE, SERVICE, FEES, QUASHING AND ENFORCEMENT. ((Upon application of counsel or other representative appearing before the commission pursuant to WAC 230-08-101 (3) and (4) of these rules, for any party to a contested case, there shall be issued to such party subpoenas requiring the attendance and testimony of witnesses or the production of evidence in such proceeding. The commission may issue subpoenas to parties not so represented upon request or upon a showing of general relevance and reasonable scope of the testimony or evidence sought.)) (1) Every subpoena shall state the name of the commission, the title of the proceeding and shall command the person to whom it is directed to attend and give testimony, produce books, records, documents or things under his or her control at a specified time and place.

- (2) Subpoenas shall be issued and enforced, and witness fees paid as provided for in RCW 34.05.446.
- (a) Subpoenas may be served by any suitable person 18 years of age or older, by exhibiting and reading the subpoena to the witness, or by giving him or her a copy thereof, or by leaving such copy at the place of his or her abode. When service is made by any other person than an officer authorized to serve process, proof of service shall be made by affidavit.
- (b) The presiding officer, upon motion made promptly and in any event at or before the time specified in the subpoena for compliance therewith, may:

(i) Quash or modify the subpoena if it is unreasonable and oppressive, or

(ii) Condition denial of the motion upon the advancement by the person in whose behalf the subpoena is issued of the reasonable cost of producing the books, papers, documents, or tangible things.

(c) Upon application, and for good cause shown, the commission will seek judicial enforcement of subpoenas issued to parties and which have not been quashed.

(d) The attendance of witnesses and such production of evidence may be required from any place within the state of Washington to any location where a hearing is being conducted.

AMENDATORY SECTION (Amending Order 9, filed 12/19/73)

WAC 230-50-300 ADJUDICATED PROCEED-INGS - DEPOSITIONS AND INTERROGATORIES ((IN CONTESTED CASES))—RIGHT TO TAKE. ((Except as may be otherwise provided, any party may take the testimony of any person, including a party, by deposition upon oral examination or written interrogatories for use as evidence in the proceeding. The attendance of witnesses may be compelled by the use of a subpoena. Depositions shall be taken only in accordance with this rule and the rule on subpoenas.)) Unless otherwise provided, any party may take the testimony of any person, including a party, by deposition upon oral examination or written interrogatories for use as evidence in the proceeding. The deposition of a commissioner, the Director, Deputy Director, or an Assistant Director may only be taken upon application to the presiding officer, for good cause shown and only in those circumstances where the statements or depositions of other staff members would not reveal the information, evidence or details needed by the party for the case. The attendance of witnesses to a deposition may be compelled by use of a subpoena. Depositions shall be taken only in accordance with this rule and the rules on subpoenas.

AMENDATORY SECTION (Amending Order 9, filed 12/19/73)

WAC 230-50-330 ADJUDICATED PROCEED-INGS - DEPOSITIONS AND INTERROGATORIES ((IN CONTESTED CASES))—((AUTHORIZA-TION)) NOTICE. A party desiring to take the deposition of any person upon oral examination shall give reasonable notice of not less than ((three)) seven days in writing to the commission and all parties. The notice shall state the time and place for taking the deposition, the name and address of each person to be examined, if known, and if the name is not known, a general description sufficient to identify him or the particular class or group to which he belongs. On motion of a party upon whom the notice is served, the commission or its hearing officer may for cause shown, enlarge or shorten the time. If the parties so stipulate in writing, depositions may be taken before any person, at any time or place, upon any notice, and in any manner and when so taken may be used as other depositions.

AMENDATORY SECTION (Amending Order 9, filed 12/19/73)

WAC 230-50-390 ADJUDICATED PROCEED-INGS - DEPOSITIONS AND INTERROGATORIES ((IN CONTESTED CASES))—FEES OF DEPONENTS—COSTS OF DEPOSITION. Deponents whose depositions are taken shall be entitled to the same fees as are allowed by WAC 230-50-2((50))30: Provided, That all costs incidental thereto shall be paid by the party desiring such deposition.

AMENDATORY SECTION (Amending Order 9, filed 12/19/73)

WAC 230-50-550 ((FORM AND CONTENT OF DECISIONS IN CONTESTED CASES AND PROPOSED ORDERS)) ADJUDICATED PROCEEDINGS - INITIAL OR FINAL ORDER. Every decision and order, whether ((proposed,)) it be an initial((7)) or final, shall:

- (1) Be correctly captioned as to the name of the agency and name of proceeding;
- (2) Designate all parties and counsel to the proceeding;
- (3) Include a concise statement of the nature and the background of the proceeding;
- (4) Be accompanied by appropriate numbered findings of fact and conclusions of law and a statement from the presiding officer of the credibility of the witnesses, if the decision rendered is based upon that, all or in part;
- (5) Whenever practical, include the reason or reasons for the particular order or remedy afforded. Findings shall be accompanied by a concise and explicit statement of the underlying evidence of record to support the findings;

(6) Whenever practical, be referenced to specific <u>laws</u> or rules and provisions ((of the law and/or regulations)) thereof which are appropriate thereto((;

(7) Whenever the commission considers that any matter or proceeding will be best handled by the issuance of a proposed order by the commission or by the examiner conducting the hearing, such an order shall be issued and the parties so notified. Upon receipt of such notice and proposed order, any party may file exceptions to the same within twenty days after the date of the service of the proposed order, unless a greater or lesser time for filing exceptions is designated by the commission at the time of issuance of the proposed order. Exceptions shall be filed in triplicate and a copy thereof shall be

served upon all other parties who have appeared in the cause, or their attorneys of record together with proof of such service in accordance with the rules governing service of process. Any party may answer the exceptions so filed and served within ten days after service of said exceptions upon him. Briefs may accompany the exceptions or answers thereto and shall be filed and served in the same manner. After a full consideration of the proposed order, the exceptions and the answers to exceptions so filed and briefs, the commission may affirm its proposed order by service of an order of affirmance upon the parties, or, if it deems the exception well taken, may revise the proposed order and issue a final order differing from the proposed order)).

NEW SECTION

WAC 230-50-560 ADJUDICATED PROCEED-INGS - REVIEW OF INITIAL ORDER - REPLIES - RECONSIDERATION. Any party to an adjudicative proceeding may file a petition for review of an initial

- (1) The petition for review shall be filed with the commission within twenty days of the date of service of the initial order unless a different place and time limit for filing the petition are specified in the initial order in its statement describing available procedures for administrative relief. Copies of the petition shall be served upon all other parties or their representatives at the time the petition is filed.
- (2) The petition for review shall specify the portions of the initial order to which exception is taken and shall refer to the evidence of record which is relied upon to support the petition.
- (3) Any party may file a reply to a petition for review. The reply shall be filed with the office where the petition for review was filed within ten days of the date of service of the petition and copies of the reply shall be served upon all other parties or their representatives at the time the reply is filed.
- (4) At least a majority of the commission members shall review the petition within 120 days after the petition was filed and render a final order in accordance with WAC 10-08-210.
- (5) A petition for reconsideration of a final order under RCW 34.05.470 shall be filed with the commission in accordance with WAC 230-50-210 within ten days of the service of the final order. Such petition shall be administered in accordance with RCW 34.05.470.

NEW SECTION

WAC 230-50-570 ADJUDICATED PROCEED-ING - STAY. A party may petition the commission or its designee for a stay of a final order in accordance with RCW 34.05.467. For purposes of this rule, the commission hereby delegates to the director, the authority to issue a temporary stay until such time as a reviewing court can rule on a permanent stay. The decision of the director denying a stay is not subject to judicial review.

NEW SECTION

WAC 230-50-580 ADJUDICATED PROCEED-INGS - HEARINGS - FORMS. The following formats shall be utilized in all adjudicated proceedings:

(1)

STATE OF WASHINGTON GAMBLING COMMISSION

O/I/MDEII/10 C	0
In the Matter of the (Suspension/) Revocation/Denial) of the (License/Application) to Con— duct Gambling Activities of	NO
Licensee.	NOTICE OF ADMINISTRATIVE CHARGES AND OPPORTUNITY FOR AN ADJUDICATED PROCEEDING

RONALD O. BAILEY alleges as follows:

He is the Director of the Washington State Gambling Commission and makes these charges in his official capacity.

Jurisdiction of this proceeding is based on Chapter 9.46 RCW, Gambling, Chapter 34.05 RCW, the Administrative Procedure Act, and Title 230 WAC.

Ш

has	been	issued	the	following	license(s)	by	the
Washington State	Gambl	ing Com	missi	on, which l	icense(s) (w	as/v	were)
issued subject to c	omplia	nce by t	he lic	ensee with	state laws a	and	rule
of the Commission	١.						

Α.	License Number	Authorizing	Activity
В.	License Number	Authorizing	Activity
C.	License Number	Authorizing	Activity

IV (Attach Recital Of Charges)

(Appropriate Roman Numeral)

The charges specified in paragraphs ___ through above constitute grounds for the ___ day suspension, or revocation of the license(s) held to conduct authorized gambling activity under authority of RCW 9.46.075 and WAC 230-04-400.

(Appropriate Roman Numeral)

The (licensee/applicant) shall be afforded the opportunity to have an Adjudicated Proceeding, which includes a hearing on the alleged violations. In order to commence an Adjudicative Proceeding, the enclosed APPLICATION FOR ADJUDICATED PROCEEDING AND REQUEST FOR HEARING MUST BE COMPLETED IN FULL by the LICENSEE OR REPRESENTATIVE and returned to the Gambling Commission within 20 days from the date of receipt of this notice. FAILURE TO RETURN THIS DOCUMENT WILL RESULT IN THE ENTRY OF A DEFAULT ORDER PURSU-ANT TO RCW 34.05.440 AND WAC 230-50-010, THE IMPOSI-TION OF THE PENALTY SET OUT ABOVE OR ONE OF LESSER DEGREE AND SHALL CONSTITUTE A WAIVER OF ANY FURTHER RIGHTS TO A HEARING OR REVIEW IN THIS MATTER.

STATE OF WASHINGTON) COUNTY OF THURSTON

SS.

Ronald O. Bailey, being first duly sworn on oath, deposes and says: That he has read the foregoing Notice of Administrative Charges and Opportunity for Adjudicated Proceeding, knows the contents thereof, and believes the same to be true, and that he is the Director of the Washington State Gambling Commission and in that capacity has executed said Statement of Charges.

Ronald O. Bailey

Washington State Register, Issue 90-01

	sworn to before me this, 1989.	Please indicate those charges, if an	y, which you admit occurred.
	in and for the State of Washington		
(2) STATE OF	WASHINGTON G COMMISSION	You may attach a letter or a state if you choose to do so. Please ind either.	
In the Matter of the (Suspension/ Revocation/Denial) of the (License/Application) to Con-	NO	I attached a letter or I did NOT attach a l	letter or statement
duct Authorized Gambling Activities of (Licensee/Applicant.)	APPLICATION FOR ADJUDICAT— ED PROCEEDINGS AND RE— QUESTS FOR HEARING	A HEARING, if requested, shall be tive Law Judge in a location near but not necessarily in the city or or reside. You will be notified at leas proceeding.	your place of business or residence county in which you do business of
THIS IS AN IMPORTANT NO WHETHER OR NOT YOU W	LL HAVE THE RIGHT TO A	If you do not understand any po strongly encouraged to contact an a	
HEARING IN THIS MATTER. CAREFULLY. IF YOU HAVE A YOUR LEGAL RIGHTS IN T CONTACT AN ATTORNEY.	NY QUESTIONS REGARDING	You MUST complete, sign, date ar with the REQUEST FOR INTER State Gambling Commission at the WITHIN 20 days of receipt of the	PRETER form, to the Washington he address as stated on this formuses documents. FAILURE TO De
In order to request and preserve y complete and sign this form, then re	eturn it by mail within 20 days to:	SO WILL RESULT IN A WAI HEARING IN THIS MATTER ORDER PURSUANT TO RCW 3	VER OF YOUR RIGHTS TO A AND ENTRY OF A DEFAUL
	e Gambling Commission e SE Mail Stop QB–I1 8504–8121	Dated this day of	, 1989
FAILURE TO COMPLETE AND STRUCTED WILL RESULT IN ORDER AGAINST YOU PURS	THE ENTRY OF A DEFAULT UANT TO RCW 34.05.440, and	** SIGN HERE SENTATIVE (3)	LICENSEE OR REPRESENTATIVE
WAIVER of your rights to appeal if YOU HAVE 20 DAYS FROM THE FORM TO COMPLETE AND RABOVE.	E DATE OF RECEIPT OF THIS	STATE OF W GAMBLING C In the Matter of the (Suspension/ Revocation/Denial) of the	
NO EXTENSIONS BEYOND GRANTED.	THE 20 DAYS WILL BE	(License/Application) to Conduct Authorized Gambling Activities of	NO
BRIEF EXPLANATION OF RIG	HTS AND PROCEEDINGS: ,	(Licensee/Applicant)	APPLICATION FOR AN ADJUDI- CATED PROCEEDING AND RE-
You have the right to apply for a ING, which includes a hearing on the of administrative charges. The heat Administrative Law Judge pursuant codes. You have the right to be rechoice and at YOUR OWN EXPE You have the right to produce with	ne allegations set forth in the notice uring will be conducted by a state not to state law and administrative epresented by an attorney of your NSE.	THIS IS AN IMPORTANT NO WHETHER OR NOT YOU WI HEARING IN THIS MATTER. CAREFULLY. IF YOU HAVE A YOUR LEGAL RIGHTS IN T CONTACT AN ATTORNEY.	ILL HAVE THE RIGHT TO A PLEASE READ THIS NOTICE NY QUESTIONS REGARDING
violations alleged. See WAC 230-50 You have the right to have an inter	· ·	In order to request and preserve ye complete and sign this form, then re	our right to a hearing you MUST
any witness which you will call is OR a hearing impaired person.	a limited English speaking person	The Washington Stat 4511 Woodview Drive	e Gambling Commission e SE Mail Stop QB-11
In order to request an interpreter, REQUEST FOR INTERPRETER with this form to the Gambling of FREE OF CHARGE.	FORM and RETURN IT along Commission. THIS SERVICE IS	Lacey, Washington 9: FAILURE TO COMPLETE AND STRUCTED WILL RESULT IN ORDER AGAINST YOU PURS	RETURN THIS FORM AS IN THE ENTRY OF A DEFAULT
INSTRUCTIONS - Place a check the statement which describes your	mark and your signature next to request(s) in this matter.	WAIVER of your rights to appeal i YOU HAVE 20 DAYS FROM TH	n this matter.
Check Mark	Signature	FORM TO COMPLETE AND R ABOVE.	ETURN IT TO THE ADDRESS
I) I want to have a hearing Adjudicated Proceeding 2) I will be represented by	g y an attorney in this	NO EXTENSIONS BEYOND GRANTED.	THE 20 DAYS WILL BE
are as follows:	address and phone number	BRIEF EXPLANATION OF RIG	HTS AND PROCEEDINGS:
		You have the right to request app CEEDING which includes a hearing notice of administrative charges. T	g on the allegations set forth in the he hearing will be conducted by a
Phone Number I will NOT be represer this matter.	nted by an attorney in	state Administrative Law Judge pur tive codes. You have the right to be choice and at YOUR OWN EXPER	rsuant to state law and administra represented by an attorney of your
4) I DO NOT want a HE MY RIGHTS TO A F THIS MATTER.	ARING AND WAIVE HEARING IN	You have the right to produce with violations alleged. See WAC 230-50	esses, and evidence relevant to the

You have the right to have an interpreter for the proceedings if you or any witness which you will call is a limited English speaking person OR a hearing impaired person.

In order to request an interpreter, you MUST complete the attached REQUEST FOR INTERPRETER FORM and RETURN IT along with this form to the Gambling Commission. THIS SERVICE IS FREE OF CHARGE.

INSTRUCTIONS - Place a check mark and your signature next to the statement which describes your request(s) in this matter.

Check Mark		Signature
1)	I want to have a hearing in this	
2)	ADJUDICATED PROCEEDING I will be represented by an attorney in this	
2)	matter, his/her name, address and phone	
	number are as follows:	
	Name	
	Address	
	Phone Number	
3)	I will NOT be represented by an attorney in	
	this matter. I DO NOT want an ADJUDICATED PROCEEDING	
4)	AND WAIVE MY RIGHTS TO A HEARING IN	
	THIS MATTED	
5)	I will agree to a stipulated settlement	
	as stated on Page 4.	
Please indica	tte those charges, if any, which you admit occurr	ed
You may att if you choos either.	tach a letter or a statement of your position in the to do so. Please indicate whether or not you	his matter attached
	I attached a letter or statement I did NOT attach a letter or statement	
Law Judge i	f requested, shall be conducted by a state Adm in a location near your place of business or resi- ily in the city or county in which you do business e notified at least seven (7) days in advan-	dence, but or reside.
If you do r strongly enco	not understand any portion of these documents ouraged to contact an attorney.	s, you are
with the RE Gambling C days of reco RESULT II IN THIS A DEFAULT 230-50-010		gton State WITHIN 20 SO WILL EARING RY OF A
Dated this _	day of, 1989	
_	** SIGN HERE **	
	LICENSEE OR REPRES	ENTATIVE
I will agree an order on	to a stipulated settlement in this matter and the following terms:	e entry of
	uspension of days for my	_

This order will find that the violation(s) were in fact committed.

A fine of _____ in lieu of the _ of my _____ gambling lie

The staff of the Commission will contact me regarding the dates for the suspension and/or payment of the fine.

gambling license(s).

___ day suspension

The dates of the suspension will be no more than 90 calendar days from the date of return of this form to the Commission and the fine will be due PRIOR to the dates of the suspension.

By signing as indicated I agree to this settlement.

gambling license(s).

** SIGN HER	E ** LICENSEE OR REPRESENTATIVE
	DATE
(4)	DATE
STATE OF WA GAMBLING C	
An Adjudicated Proceeding In the Matter of the (Suspension/Revo-cation/Denial) of the (License/Application) to Conduct Autho-rized Gambling Activities of	NONOTICE OF HEARING
(Licensee/Applicant).	
I	
(ATTACH RECITA	AL OF CHARGES)
I	I
That the licensee(s) (was/were) proceeding and (has/have) judicated proceeding and request for a hearing will be conducted by Judge of, phone numb pursuant to WAC 230-50-010.) made a timely application for ad- r hearing. Based upon that request, , Administrative Law her, on all charges as stated
11	
That the agency will be represented Assistant Attorney General of licensee will be represented by number	ed at the hearing by, phone number The, phone
<u> </u>	V
at The hearing is bein chapter 9.46 RCW and amendment pursuant to chapter 34.05 RCW and ee and representatives fail to appea fault order pursuant to RCW 34.05	the hour of, in the city of _ g conducted under the authority of nts thereto, and will be conducted d 230-50 WAC. Should the licens- r at the hearing as scheduled a de- .440 will be entered. ther a suspension/revocation/or de-
	Ronald O. Bailey
(5)	-
STATE OF W. GAMBLING C	
An Adjudicated Proceeding In the Matter of the (Suspension/Revo-cation/Denial) of the (License/Application to Conduct Gambling Activities of:	No REQUEST FOR INTERPRETER AND/OR TRANSLATION OF
Licensee	DOCUMENTS
a limited English speaking person o will be calling a witness who is a l	proceeding hereby state that I am r hearing impaired person or that I imited English speaking or hearing require an interpreter as indicated
(Check all items that apply and fill	in the blank spaces.)
require an interpreter in the I will be calling a hearing i interpreter.	for a hearing impairment. English speaking witness who will e language. mpaired person who will require an this proceeding be translated into
	Signed:

Dated:

AMENDATORY SECTION (Amending Order 9, filed 12/19/73)

WAC 230-50-610 ((PREHEARING)) ADJUDICATED PROCEEDINGS SETTLEMENT CONFERENCES ((RULE—AUTHORIZED)) AND PREHEARING CONFERENCES. In any proceeding the commission or its designated ((hearing officer)) presiding officer upon its or his own motion, or upon the motion of one of the parties or their qualified representatives, may in its or his discretion direct the parties or their qualified representatives to appear at a specified time and place for a conference to consider:

- (1) The simplification of the issues;
- (2) The necessity of amendments to the pleadings;
- (3) The possibility of obtaining stipulations, admissions of facts and of documents;
 - (4) The limitation of the number of expert witnesses;
- (5) Such other matters as may aid in the disposition of the proceeding.
- (6) Discussion of a settlement of the matter and/or agreement on a penalty. If a settlement or a stipulation is reached, it must be in a written order to be signed by all parties and the presiding officer. This settlement conference may be conducted between a member of the commission staff and the licensee, applicant or permittee by phone or in person without the attendance of the Administrative Law Judge or Assistant Attorney General, or by the Assistant Attorney General representing the commission without the attendance of a commission staff member and the Administrative Law Judge, as long as any agreed settlement is formalized as stated above.
- (7) If a settlement conference is held, the results of the conference must be in writing to indicate the action taken at the conference.

AMENDATORY SECTION (Amending Order 9, filed 12/19/73)

WAC 230-50-630 SUBMISSION OF DOCU-MENTARY EVIDENCE IN ADVANCE. ((Where practicable)) When requested for cause the commission or its designated hearing officer may require:

- (1) That all documentary evidence which is to be offered during the taking of evidence be submitted to the hearing officer and to the other parties to the proceeding sufficiently in advance of such taking of evidence to permit study and preparation of cross—examination and rebuttal evidence;
- (2) That documentary evidence not submitted in advance, as may be required by subsection (1), be not received in evidence in the absence of a clear showing that the offering party had good cause for his failure to produce the evidence sooner;
- (3) That the authenticity of all documents submitted in advance in a proceeding in which such submission is required, be deemed admitted unless written objection thereto is filed prior to the hearing, except that a party will be permitted to challenge such authenticity at a later time upon a clear showing of good cause for failure to have filed such written objection.

AMENDATORY SECTION (Amending Order 9, filed 12/19/73)

WAC 230-50-800 PETITIONS FOR RULE MAKING, AMENDMENTS OR REPEAL((—WHO MAY PETITION)). (1) Any ((interested)) person may petition the commission requesting the ((promulgation)) adoption, amendment, or repeal of any rule.

- (2) Where the petition requests the adoption of a rule, the requested or proposed rule must be set out in full. The petition must also include all the reasons for the requested rule together with briefs of any applicable law. Where the petition requests the amendment or repeal of a rule presently in effect, the rule or portion of the rule in question must be set out as well as a suggested amended form, if any. The petition must include all reasons for the requested amendment or repeal of the rule.
- (3) The petition must include a small business economic impact statement in accordance with RCW 19.85.040
- (4) All petitions shall be considered by the commission and the commission may, in its discretion, order a hearing for the further consideration and discussion of the requested adoption, amendment, or repeal, of any rule.
- (5) The commission shall notify the petitioning party within sixty (60) days by (a) denying the petition in writing and stating the reason for denial, or (b) initiate rule making procedures in accordance with 34.05 RCW.
- (6) Any person petitioning the commission requesting the adoption, amendment or repeal of any rules shall generally adhere to the following form for such purpose:
- (a) At the top of the page shall appear the wording "before the Washington state gambling commission."

 On the left side of the page below the foregoing the following caption shall be set out: "In the matter of the petition of (name of petitioning party) for (state whether adoption, amendment or repeal) of rule (or rules)." Opposite the foregoing caption shall appear the word "petition."
- (b) The body of the petition shall be set out in numbered paragraphs. The first paragraph shall state the name and address of the petitioning party and whether petitioner seeks the adoption of new rule or rules, or amendment or repeal of existing rule or rules. The second paragraph, in case of a proposed new rule or amendment of an existing rule, shall set forth the desired rule in its entirety. Where the petition is for amendment, the new matter shall be underscored and the matter proposed to be deleted shall appear in double parentheses. Where the petition is for repeal of an existing rule, such shall be stated and the rule proposed to be repealed shall either be set forth in full or shall be referred to by commission rule number. The third paragraph shall set forth concisely the reasons for the proposal of the petitioner and shall contain a statement as to the interest of the petitioner in the subject matter of the rule. Additional numbered paragraphs may be used to give full explanation of petitioner's reason for the action sought.
- (c) Petitions shall be dated and signed by the person or entity named in the first paragraph or by his attorney. The original and two legible copies of the petition shall

be filed with the commission. Petitions shall be on white paper, either 8-1/2" X 11" or 8-1/2" X 13" in size.

AMENDATORY SECTION (Amending Order 9, filed 12/19/73)

WAC 230-50-850 DECLARATORY ((RUL-INGS)) ORDER. (1) ((As prescribed by RCW 34.04.080, any interested)) Any person may petition the commission for a declaratory ((ruling. The commission shall consider the petition and within a reasonable time shall:

- (a) Issue a nonbinding declaratory ruling; or
- (b) Notify the person that no declaratory ruling is to be issued; or
- (c) Set a reasonable time and place for hearing argument upon the matter, and give reasonable notification to the person of the time and place for such hearing and of the issues involved.
- (2) If a hearing as provided in subsection (1)(c) is conducted, the commission shall within a reasonable time:
 - (a) Issue a binding declaratory rule; or
 - (b) Issue a nonbinding declaratory ruling; or
- (c) Notify the person that no declaratory ruling is to be issued.)) order with respect to the applicability to specified circumstances of a rule, order, or statute enforceable by the agency. The petition shall set forth facts and reasons on which the petitioner relies to show:
 - (a) That uncertainty necessitating resolution exists;
- (b) That there is actual controversy arising from the uncertainty such that a declaratory order will not be merely an advisory option;
- (c) That the uncertainty adversely affects the petitioner;
- (d) That the adverse effect of uncertainty on the petitioner outweighs any adverse effects on others or on the general public that may likely arise from the order requested.
- (2) Within fifteen days after receipt of a petition for a declaratory order, the commission shall give notice of the petition to all persons to whom notice is required by law, and may give notice to any other person it deems desirable.
- (3) Within thirty days after receipt of a petition for a declaratory order the commission, in writing, shall do one of the following:
- (a) Enter an order declaring the applicability of the statute, rule, or order in question to the specified circumstances;
- (b) Set the matter for specified proceedings to be held no more than ninety days after receipt of the petition and give reasonable notification to the person(s) of the time and place for such hearing and of the issues involved;
- (c) Set a specified time no more than ninety days after receipt of the petition by which it will enter a declaratory order; or
- (d) Decline to enter a declaratory order, stating the reasons for its action.
- (4) The time limits of subsection (3)(b) and (c) of this section may be extended by the commission for good cause.

- (5) The commission may not enter a declaratory order that would substantially prejudice the rights of a person who would be a necessary party and who does not consent in writing to the determination of the matter by a declaratory order proceeding.
- (6) A declaratory order has the same status as any other order entered by the commission in an adjudicative proceeding. Each declaratory order shall contain the names of all parties to the proceeding on which it is based, the particular facts on which it is based, and the reasons for its conclusions.
- (7) Any person petitioning the commission for a declaratory order pursuant to RCW 34.05.240, shall generally adhere to the following form for such purpose.
- (a) At the top of the page shall appear the wording "before the Washington state gambling commission."

 On the left side of the page below the foregoing the following caption shall be set out: "In the matter of the petition of (name of petitioning party) for a declaratory order." Opposite the foregoing caption shall appear the word "petition."
- (b) The body of the petition shall be set out in numbered paragraphs. The first paragraph shall state the name and address of the petitioning party. The second paragraph shall state all rules or statutes that may be brought into issue by the petition. Succeeding paragraphs shall set out the state of facts relied upon in form similar to that applicable to complaints in civil actions before the superior courts of this state. The concluding paragraphs shall contain the prayer of the petitioner. The petition shall be subscribed and verified in the manner prescribed for verification of complaints in the superior courts of this state.
- (c) The original and two legible copies shall be filed with the commission. Petitions shall be on white paper, either 8-1/2" X 11" or 8-1/2" X 13" in size.

REPEALER

The following sections of the Washington Administrative Code are each repealed:

- (1) WAC 230-04-123 LICENSING OF DISTRIBUTOR'S REPRESENTATIVES.
- (2) WAC 230-04-130 LICENSING OF MANUFACTURER'S REPRESENTATIVES.
- (3) WAC 230-50-070 APPEARANCE IN CERTAIN PROCEEDINGS MAY BE LIMITED TO ATTORNEYS.
 - (4) WAC 230–50–140 WAIVER OF HEARING.
 - (5) WAC 230–50–220 SUBPOENAS—FORM.
- (6) WAC 230–50–240 SUBPOENAS—SERVICE OF.
 - (7) WAC 230-50-250 SUBPOENAS—FEES.
- (8) WAC 230-50-260 SUBPOENAS—PROOF OF SERVICE.
- (9) WAC 230–50–270 SUBPOENAS—QUASHING.
- (10) WAC 230-50-280 SUBPOENAS—ENFORCEMENT.
- (11) WAC 230-50-290 SUBPOENAS—GEO-GRAPHICAL SCOPE.

- (12) WAC 230-50-430 DEPOSITIONS UPON INTERROGATORIES—PROVISIONS OF DEPOSI-TION RULE.
- (13) WAC 230-50-600 DEFINITION OF IS-SUES BEFORE HEARING.
- (14) WAC 230-50-620 PREHEARING CON-FERENCE RULE — RECORD OF CONFERENCE ACTION.
- (15) WAC 230-50-810 PETITIONS FOR RULE MAKING, AMENDMENTS OR REPEAL— REQUISITES.
- (16) WAC 230-50-820 PETITIONS FOR RULE MAKING, AMENDMENTS OR REPEAL-AGEN-CY MUST CONSIDER.
- (17) WAC 230-50-830 PETITIONS FOR RULE MAKING, AMENDMENTS OR REPEAL—NO-TICE OF DISPOSITION.
 - (18) WAC 230-50-950 FORMS.
- (19) WAC 230-60-015 DESCRIPTION OF CEN-TRAL AND FIELD ORGANIZATION OF THE GAMBLING COMMISSION.

WSR 89-24-061 **EMERGENCY RULES** COMMISSION ON JUDICIAL CONDUCT

[Order 1-Filed December 5, 1989, 3:25 p.m.]

Date of Adoption: December 5, 1989.

Purpose: To comply with constitutional amendment, section 31, effective December 5, 1989, requiring adoption of rules pursuant to chapter 34.05 RCW and establishing rules to implement changes in law.

Citation of Existing Rules Affected by this Order: Rules previously adopted as required under RCW 2.64-.091 and published in Volume 0 of the RCW following court rules.

Statutory Authority for Adoption: Chapter 2.64 RCW.

Other Authority: Washington State Constitution, Article IV, Section 31 (SSJR 8202).

Pursuant to RCW 34.05.350 the agency for good cause finds that state or federal law or federal rule or a federal deadline for state receipt of federal funds requires immediate adoption of a rule.

Reasons for this Finding: RCW 34.05.380 (3)(a), the amended State Constitution, Article IV, Section 31, effective December 5, 1989, requires the Commission on Judicial Conduct to adopt rules pursuant to the Administrative Procedure Act. Changes in the Constitution and statute alter the commission's authority, requiring changes for processing cases from the present rules adopted under RCW 34.08.020 and last amended May 5, 1989.

Other Findings Required by Other Provisions of Law as Precondition to Adoption or Effectiveness of Rule: Article IV, Section 31(10) states: "The Commission shall establish rules of procedure for Commission proceedings including due process and confidentiality of proceedings."

Effective Date of Rule: Immediately.

December 5, 1989 Wesley A. Nuxoli Chairman

Title 292 WAC JUDICIAL CONDUCT, COMMISSION ON

Chapters

292-08 Agency Organization - Confidentiality. 292-12 Procedural Rules.

Chapter 292-08 WAC AGENCY ORGANIZATION—CONFIDENTIALITY

WAC

292-08-010 Purpose. 292-08-020 Function. 292-08-030 Definitions. 292-08-040 Organization. 292-08-050

Confidentiality provisions.

NEW SECTION

WAC 292-08-010 PURPOSE. The purpose of this chapter is to provide rules implementing Article IV, Section 31, of the Constitution of the State of Washington and 2.64 RCW for the Commission on Judicial Conduct.

NEW SECTION

FUNCTION. WAC 292-08-020 (1) The Commission on Judicial Conduct is constitutionally created to consider complaints that a judge has violated a rule of judicial conduct, or has a disability which is permanent or likely to become permanent and which seriously interferes with the performance of judicial duties.

(2) The Commission shall adopt, amend, or repeal a rule in accordance with the procedures of RCW 34.05.310 through .395. In addition, the Commission will provide adopted rules to the Reporter of Decisions for publication in the official codification of Washington Court Rules.

NEW SECTION

- WAC 292-08-030 DEFINITIONS. In these rules, (1) "Admonishment", when issued by the commission, means a written disposition of an advisory nature that cautions a judge not to engage in certain proscribed behavior. An admonishment may include a requirement that the judge follow a specified corrective course of action.
- (2) "Censure" means a written action of the commission that requires a judge to appear personally before the commission, and that finds that conduct of the judge violates a rule of judicial conduct, detrimentally affects the integrity of the judiciary, undermines public confidence in the administration of justice, and may or may not require a recommendation to the Supreme Court that the judge be suspended or removed. A censure shall include a requirement that the judge follow a specified corrective course of action.
 - (3) "Chairperson" includes the acting chairperson.

- (4) "Commission" means the Commission on Judicial Conduct.
- (5) "Complaint" means a statement or communication alleging facts which may upon investigation lead to a finding of judicial misconduct or disability.
- (6) "Fact-Finder" means the commission, or at the discretion of the commission, a three-member subcommittee consisting of a citizen, a judge, and a lawyer member of the commission or a master.
- (7) "Hearing" means a meeting for the purpose of taking evidence and conducted by a fact-finder.
- (8) "Judge" means a judge or justice and includes justices of the supreme court, judges of the court of appeals, judges of the superior court, judges of any court organized under Titles 3, 35, or 35A RCW, judges pro tempore, court commissioners and magistrates. The term includes full-time and part-time judges and judges who have been or have not been admitted to the practice of law in Washington.
- (9) "Master" means a person appointed by the commission to hear and take evidence with respect to charges against a judge.
- (10) "Meeting" means a meeting of the commission for any purpose other than the taking of evidence for fact-finding.
- (11) "Member" means a member of the commission and includes alternates acting as members.
 - (12) "Party" means the judge or the commission.
- (13) "Reprimand", means a written action of the commission that requires a judge to appear personally before the commission, and that finds that the conduct of the judge is a minor violation of the code of judicial conduct and does not require censure or a formal recommendation to the Supreme Court that the judge be suspended or removed. A reprimand shall include a requirement that the judge follow a specified corrective course of action.
- (14) "Statement of Charges" means the formal charge of judicial misconduct or disability filed by the commission upon the completion of an investigation and initial proceeding and forming the basis for a fact-finding hearing.
- (15) "Verified Statement" means a sworn statement which includes allegations showing that a judge may have violated a rule of judicial conduct or may be suffering a disability that seriously interferes with the performance of judicial duties and is or is likely to become permanent.

NEW SECTION

- WAC 292-08-040 ORGANIZATION. (1) The commission shall elect from its members a chairperson, a vice-chairperson, and secretary, each of whom shall serve a term of two years or until they cease to be members of the commission, whichever period is shorter. The vice-chairperson shall act as chairperson in the absence of the chairperson. In the absence of both the chairperson and the vice-chairperson, the members present may select a temporary chairperson.
- (2) The commission may hire attorneys or others by personal service contract to conduct initial proceedings

- regarding a complaint against a judge. The commission shall employ one or more investigative officers with appropriate professional training and experience. The investigative officers of the commission shall report directly to the commission. The commission shall employ an executive director and such administrative or other staff as are necessary to manage the affairs of the commission.
- (3) Meetings of the commission shall be held at the call of the chairperson or the written request of five members of the commission.
- (a) The commission may conduct executive meetings by telephone conference call.
- (4) Six members must be present for the transaction of business by the commission. However, the adoption of or amendment to the rules of the commission, the determination of probable cause, or lack thereof, the imposition of, or stipulation to, an admonishment, reprimand or censure, with or without a recommendation of suspension or removal of the judge, or the recommendation of retirement of a judge shall require the affirmative vote of six members of the commission.
- (5) The chairperson will call upon an alternate member selected by the appropriate appointing authority to serve in the place of a member whenever a member is disabled, disqualified, or unable to serve. The alternate member so called upon shall have all the authority of a member of the commission. The chairperson shall identify when an alternate member is serving in the place of a commission member.

NEW SECTION

WAC 292-08-050 CONFIDENTIALITY PROVISIONS. (1) Except as provided in this rule and WAC 292-12-030 and WAC 292-12-040, the fact that a complaint has been made, or a statement has been given to the commission and all papers and matters submitted to the commission together with the investigation and initial proceedings conducted pursuant to these rules, shall be confidential. However, the person filing a complaint or giving a statement to the commission is not prohibited by these rules from informing any third party, or the public generally, of the factual basis upon which a complaint is based, or a statement is given.

- (2) The statement of charges alleging judicial misconduct or disability shall be available for public inspection as provided in WAC 292-12-030(1). The fact-finding hearing before the commission, a subcommittee of the commission or a master shall be open to the public, however, deliberation of the fact-finder in reaching a decision on the statement of charges shall be conducted in executive session.
- (3) In the following circumstances, the commission may, with the permission of the judge, make a public statement regarding complaints concerning the judge which would otherwise be confidential:
- which would otherwise be confidential: (a) If public statements that charges are pending before the commission are substantially unfair to a judge, or, (b) If a judge is publicly associated with violating a rule of judicial conduct or with having a

disability, and the commission, after a preliminary investigation has determined there is no basis for further proceedings or for a recommendation of discipline or retirement.

- (4) After final commission action on a complaint, the commission shall disclose to the person making a complaint that after an investigation of the charges:
- (a) the commission has found no basis for action by the commission against the judge, or,
- (b) the commission has admonished, reprimanded or censured the judge or censured the judge and recommended to the Supreme Court the suspension or removal of the judge or has recommended to the Supreme Court the retirement of the judge. The name of the judge, in the discretion of the commission, shall not be used in written communication to the complainant.
- (5) Informal action taken by the commission prior to May 5, 1989, when amended rules were adopted eliminating private informal dispositions, may, in the Commission's discretion, be disclosed to the Washington State Bar Association, American Bar Association, a judicial authority, any judicial appointive, selection or confirmation authority, or to law enforcement agencies when required in the interests of justice, or to maintain confidence in the selection of judges or administration of the judiciary. The person to whom the information relates may, in the commission's discretion, be informed of any information released.
- (6) Unless otherwise permitted by these rules, no person shall disclose information obtained by that person during commission proceedings or from papers filed with the commission. Any person violating confidentiality rules may be subject to contempt proceedings.

Chapter 292-12 WAC PROCEDURAL RULES

WAC	
292-12-010	Preliminary Investigation.
292-12-020	Initial Proceedings.
292-12-030	Statement of Charges.
292-12-040	Fact-Finding Hearing.
292-12-050	Disqualification of Fact-Finder.
292-12-060	Procedural Rights of Judge.
292-12-070	Guardian Ad Litem.
292-12-080	Discovery Procedure Before Fact- Finding.
292-12-090	Amendments to Statement of Charges or Answer.
292-12-110	Procedure at Fact-Finding Hearing
292-12-120	Report of Fact-Finder.
292-12-130	Commission Decision.
292-12-140	Additional Evidence.
292-12-150	Supreme Court Procedures
292-12-160	Reinstatement of Eligibility.
292-12-170	Extension of Time.
292-12-180	Service.

NEW SECTION

WAC 292-12-010 PRELIMINARY INVESTIGATION. (1) Any organization, association, or person, including a member of the commission, may

- make a complaint of judicial misconduct or disability to the commission. A complaint may be made orally or in writing.
- (2) Upon receipt of a complaint not obviously unfounded or frivolous, the investigative officer shall make a prompt, discreet, preliminary investigation and evaluation. Failure of a person making the complaint to supply requested additional information may result in dismissal of that complaint. On every complaint received, the investigative officer shall make a recommendation to the commission as to whether to commence initial proceedings.
- (3) If the complaint alleges that a judge is suffering a possible physical and/or mental disability which may seriously impair the performance of judicial duties, the commission may order a judge to submit to physical and/or mental examinations at commission expense. The failure or refusal of a judge to submit to physical and/or mental examination ordered by the commission may, in the discretion of the commission, preclude the judge from presenting the results of other physical and/or mental examinations on his or her own behalf.
- (4) If the commission determines to commence initial proceedings, the person making the complaint may be requested to file a verified statement with the commission. If a verified statement is not filed by the person making the complaint, the investigative officer shall prepare and file a verified statement. Initial proceedings will begin upon filing of a verified statement.

NEW SECTION

WAC 292-12-020 INITIAL PROCEEDINGS. (1) An investigative officer will supervise the investigation.

- (2) The judge who is the subject of initial proceedings will be notified by the commission within 7 days after the filing of a verified statement. The judge shall also be advised of the nature of the complaint with sufficient specificity to permit an adequate response. In its discretion, the commission may disclose to the judge the name of the individual making the complaint and may provide a copy of the verified statement to the judge.
- (3) The judge shall be afforded a reasonable opportunity in the course of the initial proceedings to present such matters as he or she may choose.
- (4) If the commission determines that there are insufficient grounds for further commission proceedings, the judge and the person making the complaint will be so notified.
- (5) If the commission determines that probable cause exists that the judge has violated a rule of judicial conduct or may be suffering from a disability that seriously interferes with the performance of judicial duties and is permanent or is likely to become permanent, the commission shall order the filing of a statement of charges pursuant to WAC 292-12-030.
- (6) Any matter before the commission, after a determination of probable cause has been made, may be disposed of by a stipulation entered into in a public proceeding. The stipulation shall be signed by the judge and the commission and may impose any terms and conditions deemed appropriate by the commission. A stipulation shall set forth all material facts relating to

the proceeding and the conduct of the judge. When a stipulation which disposes of a violation of a rule of judicial conduct has been signed by the necessary parties, the person making the complaint shall be notified of the action taken by the commission and shall be provided with a copy of the stipulation.

NEW SECTION

WAC 292-12-030 STATEMENT OF CHARGES. (1) The commission shall file a statement of charges in the Commission's office alleging the violation of a rule of judicial conduct or the disability of a judge that is or is likely to become permanent and which seriously impairs the performance of judicial duties. The statement of charges and any material or information within the commission's knowledge which tends to negate the statement of charges will be served on the judge within 7 days after filing of the statement of charges. After service, the statement of charges shall be available to the public except as otherwise provided by protective order.

(2) A statement of charges under WAC 292-12-030 shall be served on a judge in person, unless the judge cannot be found within the state. If the judge cannot be found, the statement of charges may be served by mail addressed to the judge's last known business and residence addresses. All other papers in commission proceedings may be served on a judge in person or by mail. If counsel has appeared for a judge, papers, other than a statement of charges, may be served on counsel in lieu of service upon the judge.

(3) When a statement of charges is filed, no further factual information shall be considered by the members of the commission prior to a fact-finding hearing unless

notice is given to both parties.

(4) The statement of charges will state in ordinary and concise language the basis for commission action and the facts supporting the statement of charges. The statement of charges shall also inform the judge that he or she may file a written answer to the charges as provided in WAC 292-12-030(5).

(5) The judge may file with the commission an answer to the statement of charges. The answer must be filed within 14 days after service of the statement of charges on the judge. If the judge does not file a written answer, a general denial will be entered on behalf of the judge The statement of charges and the answer shall be the only pleadings required. Once filed, the answer shall be available to the public.

NEW SECTION

WAC 292-12-040 FACT-FINDING HEARING. (1) Upon filing of a statement of charges, a public factfinding hearing will be scheduled at a location selected by the commission. The record of the initial proceeding that was the basis of a finding of probable cause shall become public as of the date of the fact-finding hearing.

(2) The executive director will set a time and place for the public fact-finding hearing to be held no later than 42 days after the time for answer has expired or after the answer is filed, whichever is earlier. The judge will be given at least 14 days notice of the hearing which will include the name or names of the fact-finder and the presiding officer, if any.

NEW SECTION

WAC 292-12-050 DISQUALIFICATION OF FACT-FINDER. (1) A member of the commission or a master must disqualify himself or herself in any proceedings involving his or her own conduct or alleged disability. A member of the commission or a master must disqualify himself or herself if he or she cannot impartially consider the statement of charges against a judge.

- (2) A judge may file an affidavit challenging for cause any member or a master who the judge believes will not impartially consider the statement of charges. The affidavit must be filed within 7 days after notice of the fact-finding hearing. The commission will decide any challenge for cause if the member or master does not disqualify himself or herself.
- (3) A judge may file a peremptory challenge against one member of the commission. The challenge must be filed within 7 days after notice of a fact-finding hearing. If the judge has unsuccessfully challenged a member for cause, any peremptory challenge against that member must be filed within 3 days after service of notice of the determination of the challenge for cause.

NEW SECTION

WAC 292-12-060 PROCEDURAL RIGHTS OF JUDGE. (1) The judge has a right to notice of the complaints concerning the judge which have been found by the commission to warrant initial proceedings. The judge shall have the right and reasonable opportunity at a fact-finding hearing to defend against the allegations in the statement of charges by the introduction of evidence. The judge has the privilege against selfincrimination. The judge may be represented by counsel and may examine and cross-examine witnesses. The judge has the right to testify or not to testify on his or her own behalf. The judge has the right to issuance of subpoenas for the attendance of witnesses to testify or produce evidentiary matters. The judge has the right to a prompt resolution of the allegations in the statement of charges.

(2) A judge's compliance with an opinion by the Ethics Advisory Committee shall be considered by the

commission as evidence of good faith.

(3) The judge will be provided, without cost, a copy of any report of proceedings prepared by the commission. The judge may, in addition, have all or any portion of the testimony in the proceedings transcribed at his or her own expense.

(4) All witnesses shall receive fees and expenses in the amount allowed by law. Expenses of witnesses shall be borne by the party calling them, provided that if the commission determines that the imposition of costs and expert witness fees would work a financial hardship or injustice upon the judge, it may order that all or part of such costs and fees be reimbursed.

NEW SECTION

WAC 292-12-070 GUARDIAN AD LITEM. If it appears to the commission at any time during the proceedings that the judge is not competent to act, or if it has been previously judicially determined that the judge is not competent to act, the commission will appoint a guardian ad litem for the judge unless the judge already has a guardian who will represent the judge's interests. In the appointment of a guardian ad litem, consideration may be given to the wishes of the members of the judge's immediate family. The guardian or guardian ad litem may claim and exercise any right and privilege and make any defense for the judge which the judge could have claimed, exercised, or made if competent. Any notice to be served on the judge will also be served on the guardian or guardian ad litem.

NEW SECTION

WAC 292-12-080 DISCOVERY PROCEDURE BEFORE FACT-FINDING. (1) Upon written demand, the opposing party will disclose within 7 days thereof, with a continuing obligation thereafter, the following:

- (a) names and addresses of all witnesses whose testimony that party expects to offer at the hearing,
- (b) a brief summary of the expected testimony of each witness,
- (c) copies of signed or recorded statements of anticipated witnesses, and,
- (d) copies of documents which may be offered. Witnesses or documents not disclosed may be excluded.
- (2) The taking of depositions, the requesting of admissions and all other procedures authorized by Rules 26 through 37 of the Superior Court Civil Rules are available upon stipulation of the parties or upon prior permission of the master or presiding officer. A request for discovery shall be granted, unless the master or presiding officer determines that the request is frivolous, will create an undue burden on the party, or will result in undue delay.
- (3) The commission's counsel shall disclose to the judge any material or information within his or her knowledge which tends to negate the complaints against the judge or mitigate the degree of discipline which may be imposed.
- (4) The judge or counsel for either party may make prehearing motions to the designated presiding officer, who may make rulings or defer rulings to the commission. Motions shall be in writing and shall be filed and served on the opposing party. The responding party shall be allowed five days from service to respond, unless the time is shortened by the presiding officer for good cause. Motions will be promptly decided by written order filed in the commission office. Motions will be decided on the written materials submitted unless the presiding officer requests argument, which may be heard by conference telephone call.

NEW SECTION

WAC 292-12-090 AMENDMENTS TO STATEMENT OF CHARGES OR ANSWER. The fact-finder, at any time prior to the conclusion of the

hearing, or the commission, at any time prior to its decision, may allow or require amendments to the statement of charges or the answer. The statement of charges may be amended to conform to the proof or set forth additional facts, whether occurring before or after the commencement of the hearing. Except for amendments to conform to the proof by evidence admitted without objection at a fact-finding hearing, if an amendment substantially affects the nature of the charges, the judge will be given reasonable time to answer the amendment and prepare and present a defense against the new matter raised.

NEW SECTION

WAC 292-12-110 PROCEDURE AT FACT-FINDING HEARING. (1) The order of presentation shall be in the same manner as in civil cases in superior court.

- (2) The case for the commission shall be presented by counsel retained by the commission.
- (3) The Rules of Evidence (ER) as applicable in civil proceedings shall govern the fact-finding hearing.
- (4) Any finding that the judge has violated a rule of judicial conduct or that the judge has a disability which is permanent or is likely to become permanent and which seriously interferes with the performance of judicial duties must be supported by clear, cogent and convincing evidence.
- (5) Unless the fact-finding hearing is before a master, the chairperson may appoint a member to be presiding officer or to rule on motions and objections made during the hearing. If the hearing is before the commission, a member may appeal a ruling to the commission members present. A majority vote will determine the motion.
- (6) The failure of a judge to answer or to appear at the hearing or to submit to a mental or physical examination required by the commission will not prevent the commission from proceeding.
- (7) Unless the judge and the commission stipulate to a different record, a verbatim record will be made and kept of the fact-finding hearing. The commission shall determine whether the verbatim record will be by court reporter or electronic recording device.
- (8) Canon 3 (A)(7), from the Code of Judicial Conduct, shall be followed for media participation in public hearings.

NEW SECTION

WAC 292-12-120 REPORT OF FACT-FINDER. (1) The fact-finder, when other than the entire commission, shall prepare a report containing a brief statement of the procedure followed and the proposed findings of fact, conclusions of law, and a recommendation with respect to the issues presented at the fact-finding hearing. The report and verbatim record shall be filed in the commission office within 35 days after the hearing. The report and record shall be served on the parties within 14 days thereafter. The original fact-finder may request the prevailing party to prepare the findings of fact and conclusions of law.

- (2) A party may file with the commission a statement of objections to the report of the fact-finder. The statement shall set forth all objections to the report and state reasons therefor. The objections must be filed with the commission and served on the opposing party within 14 days after service of the report on the party.
- (3) If no statement of objections to the report of the fact-finder is filed within the time provided in paragraph (2), the report may be adopted without argument.
- (4) If a statement of objections is timely filed, the commission may schedule oral argument, or consider the matter on the record along with briefs of the parties. The parties shall be given at least 14 days written notice of the time and place for argument.
- (5) If the commission proposes to modify or reject the original fact-finder's report, the commission shall schedule a time for oral argument on the record along with briefs of the parties. The parties shall be given at least 14 days written notice of the time and place for argument.

WAC 292-12-130 COMMISSION DECISION. (1) The commission in open session shall announce its decision either to dismiss the case, or to admonish, reprimand or censure the judge, or to censure the judge and recommend to the Supreme Court the suspension or removal of the judge, or to recommend to the Supreme Court the retirement of the judge because the judge is suffering from a disability which is permanent or likely to become permanent and which seriously interferes with the performance of judicial duties. The commission may not recommend suspension or removal unless it censures the judge for the violation serving as the basis for the recommendation. If the commission decides to censure or reprimand a judge, the commission shall order the judge to appear personally before the commission. The commission's written decision will include findings of fact, conclusions of law, and any recommendation required to be filed with the Supreme Court. The commission may adopt the report of the original factfinder, in whole or in part, by reference. To vote on a matter, a member who did not sit as a fact-finder must consider the verbatim record and any report of a factfinder. Any commission member may file a dissent.

- (2) The commission may consider for probative value any conduct that may have occurred prior to, on, or after December 4, 1980, by a person who was, or is now, a judge when such conduct relates to a complaint filed with the commission against the same judge.
- (3) The commission's written decision will be served upon the judge and his or her counsel of record within 14 days after the decision is filed in the commission's office.
- (4) A party may file objections to the record or a motion for reconsideration of the commission decision within 14 days after the decision and record have been served. Objections will be determined by the chairperson or, in his or her discretion, by the commission.
- (5) The commission decision is final 14 days after service unless a motion for reconsideration or objection

or an order for the taking of additional evidence pursuant to WAC 292-12-140 is filed. If a motion for reconsideration or objection is denied, the decision is then final. If either the motion for reconsideration or objection is granted, the reconsidered decision is final when filed in the commission's office.

(6) When the decision is final, the commission will notify the person making the complaint of its decision.

NEW SECTION

WAC 292-12-140 ADDITIONAL EVIDENCE. The commission may order a public hearing for the taking of additional evidence at any time before its decision is final. The order will set the time and place of the hearing and will specify the matters on which the additional evidence is to be taken. A copy of the order shall be served upon the judge at least 14 days prior to the date set for hearing. The hearing will be conducted in the manner provided in WAC 292-12-040 through 130.

NEW SECTION

WAC 292-12-150 SUPREME COURT PROCEDURES. (1) Within 14 days after the decision is final, a commission decision recommending the suspension, removal or retirement of a judge will be filed in the Supreme Court and served on the judge. The notice of the decision served on the judge shall state the date the decision was filed in the Supreme Court and shall specify the period during which the judge may challenge the commission recommendation as provided in Discipline Rules for Judges.

- (2) If the commission recommendation is that the judge be removed, the judge shall be suspended, with salary, from that judicial position effective upon filing the recommendation with the Supreme Court; such suspension with pay will remain in effect until a final determination is made by the supreme court.
- (3) The chairperson shall certify the record of commission proceedings to the Supreme Court, having transmitted to the judge those portions of the record required by Discipline Rules for Judges or these rules.
- (4) If the Supreme Court remands a case, the commission will proceed in accordance with the order on remand.

NEW SECTION

WAC 292-12-160 REINSTATEMENT OF ELIGIBILITY. A former judge whose eligibility for judicial office had been removed by the Supreme Court may file with the commission a petition for reinstatement of eligibility. WAC 292-08-050 and WAC 292-12-040 through 180 apply to commission review of a petition for reinstatement of eligibility. The commission will recommend to the Supreme Court in writing that the former judge should or should not be reinstated to eligibility to hold judicial office as provided in Discipline Rules for Judges.

WAC 292-12-170 EXTENSION OF TIME. Upon a showing of good cause the chairperson or fact-finder may extend the time within which an act must be done under these rules.

NEW SECTION

WAC 292-12-180 SERVICE. (1) Service of papers on the commission shall be given by delivering or mailing the papers to the commission's office.

(2) If service is by mail, a paper is timely served if mailed within the time permitted for service. If a paper is served by mail, a time period dependent on the service begins to run 3 days after the paper is mailed.

WSR 90-01-001 PERMANENT RULES DEPARTMENT OF GENERAL ADMINISTRATION

(Division of Banking)

[Filed December 7, 1989, 9:43 a.m.]

Date of Adoption: November 21, 1989.

Purpose: Provide guidelines for application for a license to operate a nondepository small business lending venture under the auspices of the United States Government Small Business Administration guaranty program known as the SBA 7(a) program, and for the ongoing regulation of these lenders as required by statute.

Statutory Authority for Adoption: Section 3(1), chapter 212, Laws of 1989.

Pursuant to notice filed as WSR 89-21-045 on October 13, 1989.

Changes Other than Editing from Proposed to Adopted Version: Three editing changes were made changing "such" to "a" in lines 4 and 5 of WAC 50-56-040(1) and changing "general" to "generally" in WAC 50-56-060(1).

Effective Date of Rule: Thirty-one days after filing.

December 7, 1989 Thomas H. Oldfield Supervisor of Banking

Chapter 50–56 WAC SMALL BUSINESS ADMINISTRATION 7(A) LOAN GUARANTY PROGRAM NONDEPOSITORY LENDERS—LICENSING AND REGULATION

WAC	
50-56-010	Purpose.
50-56-020	Application procedures
50-56-030	Application format.
50-56-040	Continuing operations.
50-56-050	Records.
50-56-060	Reports.
50-56-070	Examinations.
50-56-080	Fees.

NEW SECTION

WAC 50-56-010 PURPOSE. The purpose of this chapter shall be to provide guidelines for application for a license to operate a nondepository small business lending venture under the auspices of the federal Small Business Administration (SBA) guaranty program known as the 7(a) loan guaranty program. Specifics of the program are set forth in section 7(a) of the federal "Small Business Investment Act of 1958," 15 U.S.C., part 636(a). These rules also establish other regulatory oversight guidelines and provide for fees. These rules are promulgated under the general rule-making authority of the state supervisor of banking, and are required under legislation passed by the legislature (section 3(1), chapter 212, Laws of 1989.)

NEW SECTION

WAC 50-56-020 APPLICATION PROCEDURES. An application for state license to operate a nondepository small business lending venture to qualify for participation in the SBA 7(a) program shall be filed with the supervisor at the division of banking and shall include such fees as established elsewhere in these rules. As a matter of general procedure, it is recommended that interested parties visit the office of the supervisor prior to submitting their application to review statutory and other requirements for this action.

NEW SECTION

WAC 50-56-030 APPLICATION FORMAT. Applicants may use the same documentation as required by the SBA for their approval of the lender to the extent that such documentation meets the requirements of statute and these rules unless waived by the supervisor. The application must contain the following:

- (1) Applicant's name, address, and telephone number.
- (2) A statement that the applicant is incorporated under the Washington Business Corporation Act or the Washington Nonprofit Corporation Act and a copy of applicant's Articles of Incorporation and Bylaws, properly certified.
- (3) A list of officers, directors, associates, and all holders of ten or more percent of any class of the applicant's capital stock.
- (4) A statement of personal history of all those listed in subsection (3) of this section. SBA Form 1081 or its equivalent may be used.
- (5) A copy of the most recent audited financial statement of any entity other than a natural person holding ten or more percent of any class of stock of the applicant.
- (6) An organizational chart showing the relationship of the applicant to its affiliates, as well as the applicant's internal organizational structure.
- (7) Copies of the last three audited financial statements of the applicant, and supporting tax returns.
- (8) Applicant's business plan which should include at a minimum:
- (a) A detailed pro forma financial projection for at least three years of operations.

- (b) A market study of the intended geographical area of operations.
- (c) An explanation of applicant's method of funding loans, including the unguaranteed portion.
 - (d) An outline of loan servicing procedures proposed.
- (e) Copies of written policies and procedures to be used, which must include policies requiring disclosure of conflicts of interest of affiliates, directors, officers, and employees; prohibiting false statements or representations to the supervisor; and preventing fraud or undue influence by the licensee.
- (9) Certified copy of a resolution by the applicant's board of directors designating the person(s) authorized to act on behalf of applicant.
- (10) An opinion of independent counsel that the applicant is in compliance with applicable state and federal laws in the formation and organization of the company, with applicable securities laws, and is chartered to conduct its business in the proposed operating area.
- (11) Such marketing materials as may have been prepared that portray the nature of applicant's operations.
- (12) Copies of all bonds in effect for directors, officers, and employees.
- (13) Other such information as the supervisor may require.

WAC 50-56-040 CONTINUING OPERATIONS. Licensees shall maintain an adequate financial condition.

- (1) Minimum capital (unimpaired paid-in capital, surplus, and undivided profits) shall be in the amount of five hundred thousand dollars or five and one-half percent of total assets, whichever is greater, or a greater amount should the supervisor determine that applicant's business plan or economic conditions require a greater amount to conduct the business of a 7(a) lender. The supervisor may consider and include the net worth of any corporate shareholder of the applicant if the shareholder agrees to unconditionally guarantee the liabilities of the applicant and that shareholder agrees to the reporting requirements set forth in WAC 50-56-060
- (2) Capital below the required amount precludes the presentation of additional loans to the SBA for guaranty without the written consent of the supervisor.
- (3) Licensees shall maintain a reserve for anticipated loan losses appropriate to its needs, based on the following factors:
- (a) The volume and mix of the existing loan portfolio, including the volume and severity of nonperforming loans and adversely classified credits, as well as an analysis of net charge—offs experienced on previously classified loans.
- (b) The extent to which loan renewals and extensions are used to maintain loans on a current basis and the degree of risk associated with such loans.
- (c) The trend in loan growth, including any rapid increase in loan volume within a relatively short time period.

- (d) General and local economic conditions affecting the collectibility of the licensee's loans.
- (e) Previous loan loss experience by loan type, including net charge-offs as a percent of average loans over the past several years.
- (f) The relationship and trend over the past several years of recoveries as a percent of previous year's charge-offs.
- (g) Available outside information of a comparable nature regarding the loan portfolios of other such lenders

NEW SECTION

WAC 50-56-050 RECORDS. Licensees shall maintain records in a fashion consistent with a financial institution and shall have them at all times readily accessible to the supervisor. Records shall be preserved under the following schedule:

- (1) Preserve permanently:
- (a) All general and subsidiary ledgers reflecting asset, liability, capital stock and surplus and income and expense accounts.
- (b) All general and special journals or other records forming the basis for entries in such ledgers.
- (c) Articles of incorporation, bylaws, stock registers, licenses, and minutes of board of directors meetings.
- (2) Preserve for at least six years following final disposition of the related loan:
 - (a) All applications for financing.
 - (b) Financing instruments.
 - (c) Lending participation agreements.
 - (d) Escrow agreements.
- (e) All other documents and supporting material relating to such loans, including correspondence.

Records and other documents in subsections (1) and (2) of this section may be preserved by reproduction. Provided, however, that the licensee shall prepare a duplicate reproduction which shall be stored separately from the original for the time required. If such reproductions are used, the licensee shall maintain at all times facilities for the projection and reproduction of such records.

NEW SECTION

WAC 50-56-060 REPORTS. Licensees shall submit the following reports to the supervisor:

- (1) Annual audits prepared in accordance with generally accepted accounting principles which shall be certified unless the supervisor makes other provision in writing in advance.
- (2) Quarterly financial reports which shall include a balance sheet and income and expense statement for both the period and year to date.
- (3) A notification of any suit or proceeding involving fraud or dishonesty where the licensee or an employee may be a party, or where an adverse judgment could contribute materially to the impairment of the licensee's capital. Such notification must be forwarded with copies of the complaint within thirty days of the filing of such action.

WAC 50-56-070 EXAMINATIONS. The supervisor will conduct examinations of licensees as provided by statute and will forward a report of examination to the licensee's board of directors for information and action as appropriate. These examination reports and all subsequent and related correspondence are the property of the supervisor and will be subject to the same confidentiality requirements as established for financial institutions regulated by the division of banking.

NEW SECTION

WAC 50-56-080 FEES. The cost of regulation of nondepositary lenders licensed under Title 31 RCW, shall be borne by the licensees under the following schedule:

- (1) Application fee. A fee of two thousand dollars must accompany an application for this license to cover the cost of investigation.
- (2) Acquisition of control approval fee. A fee of two thousand dollars must accompany any request for acquisition of control of a licensee to cover the cost of investigation which will be conducted to the same degree as an initial application approval.
- (3) Business combination fee. Other business combinations must be approved by the supervisor. Costs of investigation will be borne by the licensee and will be based on actual staff costs of the division of banking, which are fifty dollars per hour per examiner assigned.
- (4) Examination and supervision fees. Examination and supervision fees shall be billed based on rates charged commercial banks for examination costs and semiannual asset charges in chapter 50-44 WAC.

WSR 90-01-002 PROPOSED RULES DEPARTMENT OF LICENSING

[Filed December 7, 1989, 10:18 a.m.]

Continuance of WSR 89-22-117. Title of Rule: Commercial telephone solicitation. Date of Intended Adoption: January 2, 1990.

December 7, 1989
Maxine Nelson
Administrative Assistant

WSR 90-01-003 PERMANENT RULES DEPARTMENT OF REVENUE

[Filed December 7, 1989, 10:21 a.m.]

Date of Adoption: December 7, 1989.

Purpose: To remove real estate excise tax exemption for bankruptcy liquidation sales.

Citation of Existing Rules Affected by this Order: Amending WAC 458-61-230.

Statutory Authority for Adoption: RCW 82.45.120 and 82.45.150.

Pursuant to notice filed as WSR 89-23-056 on November 14, 1989.

Changes Other than Editing from Proposed to Adopted Version: An exemption is allowed for post petition Chapter 11 conveyances under 11 USC 1146(a). Reason for change: Federal law prohibits taxation of post petition Chapter 11 conveyances.

Effective Date of Rule: Thirty-one days after filing.

December 7, 1989 Edward L. Faker Assistant Director

AMENDATORY SECTION (Amending Order PT 86-3, filed 8/6/86)

WAC 458-61-230 BANKRUPTCY. A conveyance of real property by a trustee in bankruptcy is ((taxable under)) subject to the real estate excise tax ((when)) whether made by a trustee conducting the business of the bankrupt or by a trustee liquidating the bankrupt's estate. However, such a conveyance is not taxable when made under a post petition Chapter 11 plan or Chapter 12 plan per 11 USC 1146 or 11 USC 1231 respectively. ((by a trustee authorized only to liquidate the bankrupt's entire estate. For such tax exemption to be approved, the trustee must attach to the affidavit a supplemental statement as provided in WAC 458-61-150 which affirms that the trustee is authorized only to liquidate the bankrupt's entire estate.))

WSR 90-01-004 PERMANENT RULES DEPARTMENT OF AGRICULTURE

(Noxious Weed Control Board) [Filed December 7, 1989, 11:39 a.m.]

Date of Adoption: November 15, 1989.

Purpose: The State Noxious Weed [Control] Board has amended the state noxious week list to add species determined to be noxious, to delete species, and to change areas designated for some Class B weeds. Definitions for the chapter have been revised. Additions, deletions and changes to this chapter are being made to provide for more effective statewide weed control pursuant to chapter 17.10 RCW.

Citation of Existing Rules Affected by this Order: Amending WAC 16-750-003, 16-750-005, 16-750-011 and 16-750-015.

Statutory Authority for Adoption: Chapter 17.10 RCW.

Pursuant to notice filed as WSR 89-20-057 on October 4, 1989.

Changes Other than Editing from Proposed to Adopted Version: Change area designation for dalmatian toadflax to include a two mile buffer strip in Spokane County along the Lincoln/Spokane County line. Retain bitter nightshade as a Class C noxious weed. Effective Date of Rule: Thirty-one days after filing.

November 15, 1989

Arlie Clinkenbeard

Chairman

AMENDATORY SECTION (Amending Order 24, Resolution No. 24, filed 8/25/88)

- WAC 16-750-003 DEFINITIONS. (1) The definitions set forth in this ((subsection)) section shall apply throughout this chapter, unless the context otherwise plainly requires:
- (a) "Board" and "state board" means the noxious weed control board of this state, or a duly authorized representative.
- (b) "Director" means the director of agriculture of this state, or a duly authorized representative.
- (c) "Department" means the department of agriculture of this state.
- (d) "Person" means any individual, partnership, corporation, firm, or any other entity.
- (2) The definitions set forth in this subsection shall apply throughout this chapter, chapter 17.10 RCW, and any rules adopted thereunder unless the context otherwise plainly requires:
- (a) "Control" means to ((suppress or contain a noxious weed within a geographical area)) prevent all seed production.
- (b) (("Suppress" means to reduce the incidence or severity of a noxious weed within a geographical area.
- (c))) "Contain" means to confine a noxious weed ((to a geographical area)) and its propagules to an identified area of infestation.
- (((d))) (c) "Eradicate" means to eliminate a noxious weed within ((a geographical area)) an area of infestation.
- (((c))) (d) "Prevent the spread of noxious weeds" means to ((forestall their introduction and/or spread within a geographical area)) contain noxious weeds.
- (((ff))) (e) Class A noxious weeds are those noxious weeds not native to the state that are of limited distribution or are unrecorded in a region of the state and whose introduction to the state of Washington was not intentional, or whose intentional introduction poses a serious threat to the state for which no intentional containment is assured by the owner.
- (f) Class B noxious weeds are those noxious weeds not native to the state that are of limited distribution or are unrecorded in a region of the state and that pose a serious threat to that region.
- (g) "Class B designate" means those Class B noxious weeds whose populations in a region or area are such that all seed production can be ((reasonably)) prevented within a calendar year.
- (((g) "Class B nondesignate" means those Class B noxious weeds whose populations in a region or area are such that all seed production cannot be reasonably prevented in a calendar year:)) (h) Class C are any other noxious weeds.
- (3) Any county noxious weed control board may enhance the clarity of any definition contained in

subsection (2) of this section, making that definition more specific, but shall not change its general meaning.

AMENDATORY SECTION (Amending Order 26, Resolution No. 26, filed 11/29/88)

WAC 16-750-005 STATE NOXIOUS WEED LIST—CLASS A NOXIOUS WEEDS. ((Class A noxious weeds are as follows:

- (1) All those weeds which have not been reported in the state of Washington as of January 1, 1984, and whose introduction to the state of Washington was not intentional, or whose intentional introduction poses a serious threat to the state for which no control is assured and which is included in one or more of the following publications:
- (a) A Checklist of Names for 3000 Vascular Plants of Economic Importance, by Edward E. Terrell, Steven R. Hill, John H. Wiersema and William E. Rice. USDA-ARS Ag. handbook number 505, revised October 1986;
- (b) A Geographical Atlas of World Weeds, by LeRoy Holm, Juan V. Pancho, James P. Herberger and Donald L. Plucknett. John Wiley and Sons, New York, 1979;
- (c) The World's Worst Weeds, Distribution and Biology, by LeRoy G. Holm, Donald L. Plucknett, Juan V. Pancho and James P. Herberger. University Press of Hawaii, Honolulu, 1977;
- (d) Economically Important Foreign Weeds—Potential Problems in the United States, by Clyde F. Reed, USDA-ARS Ag. handbook number 498, 1977;
 - (e) The federal noxious weed list, 7.360.200 CFR;
 - (f) The state noxious weed list of any state; and (2)))

COMMON NAME	SCIENTIFIC NAME
bean-caper, Syrian	Zygophyllum fabago
blueweed, Texas	Helianthus ciliaris
buffalobur	Solanum rostratum
bursage, skeleton leaf	Ambrosia tomentosa
chervil, wild	Anthriscus sylvestris
crupina, common	Crupina vulgaris
four o'clock, wild	Mirabilis nyctaginea
hedgeparsley	Torilis arvensis
johnsongrass	Sorghum halepense
knapweed, bighead	Centaurea macrocephala
knapweed, featherhead	Centaurea trichocephala
knapweed, Vochin	Centaurea nigrescens
mallow, Venice	Hibiscus trionum
nightshade, silverleaf	Solanum elaeagnifolium
peganum	Peganum harmala
rupturewort	Herniaria cineria
sage, Mediterranean	Salvia aethiopsis
snapdragon, dwarf	Chaenorrihinum minus
starthistle, purple	Centaurea calcitrapa
thistle, milk	Silybum marianum
unicorn-plant	Proboscidea louisianica
velvetleaf .	Abutilon theophrasti
woad, dyers	Isatis tinctoria

AMENDATORY SECTION (Amending Order 26, Resolution No. 26, filed 11/29/88)

WAC 16-750-011 STATE NOXIOUS WEED LIST—CLASS B NOXIOUS WEEDS.

Washington State Register, Issue 90-01

	Name	Will be a "Class B desi all lands lying with		Name	Will	be a "Class B designate" in all lands lying within:
(1)	apera, interrupted Apera interrupta	 (a) regions 1,2,3,5,6,8 (b) Ferry, Stevens, ar Oreille counties o (c) Lincoln and Adar of region 7 (d) region 10 except 6 	nd Pend of region 4 ms counties (7)	catsear, spotted Hypochaeris radicata Cordgrass, smooth		along the Washington — Oregon border to the point of beginning. regions 3,4,6,7,9,10. regions 1,3,4,5,
(2)	blueweed Echium vulgare	County. (a) regions 1,2,3,4,5,6 (b) region 7 except for starting at the Store	or an area evens County	Spartina alterniflora	<u>(b)</u>	6,7,9,10 Whatcom, Snohomish, Island, and San Juan counties of region 2
		line on SR 291 so SR 291 bridge ov Spokane River, the along the Little	rer the Little hence upstream (9) spokane River	daisy, oxeye Chrysanthemum leucanthemum		region 8 except Pacific County. regions 6,7,9,10.
		to the first Rutter Bridge; thence sot Rutter Parkway t section of Rutter Indian Trail Road	uth along the (10) to the inter- Parkway and	71) deadnettle, hybrid Lamium hybridum		regions 1,3,4,5,6, 7,8,9,10 region 2 except Skagit County.
		southerly along Ir Road to a point the south (on section sections 22 and 2	ndian Trail (((1 hree miles <u>(11)</u> line between	0)))) dogtailgrass, hedgehog Cynosurus echinatus 1)))		County.
		R-42E); thence d	lue west to a (12)) fieldcress, Austrian Rorippa austriaca	(a)	regions 1,2,3,4,5,6, 7,8,9
		between Ranges 4 thence north along to a point 1/4 mil Charles Road; the	41 and 42; g this line le south of	копрра админаса	(b)	region 10 except within the Palouse River Canyon from Big Palouse Falls to the Snake River.
		westerly parallel t Road to a point I south of the inters Charles Road and	/4 miles (13) section of the West Shore	(2))) (foxtail, slender Alopecurus myosuroides	(b)	regions 1,2,3,5,6,8,9,10 Ferry, Stevens, Pend Oreille counties of region 4
		Road; thence nort West Shore Road	to the	37//	(c)	Adams and Whitman counties of region 7.
		Spokane River (L thence southeaster Spokane River to beginning.	rly along the (14) the point of	3))) goatgrass, jointed Aegilops cylindrica		regions 1,2,5,8 Ferry County of region 4 Grant and Adams counties of
(((3) broom, Scotch Cytisus scoparius	(a) regions 3,4,6,7,10 (b) region 9 except the lying west of the	rat area Klickitat			region 6 Franklin County of regions 9 and 10
<u>(3)</u>	broom, Scotch	River in Klickitat regions 3,4,6,7,9,1	<u>10.</u>	4333	(e)	Intercounty Weed District No. 51.
(4)	Cytisus scoparius bryony, white	(a) regions 1,2,3,4,5,6	5,7,8,9 (15)	4))) gorse	(a)	regions 3,4,6,7,9,10 Thurston and
(5)	Bryonia alba	(b) Franklin County of 10.	_	Ulex europaeus	(0)	Pierce counties of region 5
(5)	bugloss, common Anchusa officinalis	(a) regions 1,2,3,5,6,8 (b) Ferry County of region 4		su)	(c)	Wahkiakum and Cowlitz counties of region 8.
		(c) Lincoln, Adams, a counties of region (d) Pend Oreille Cour of the northernmo of T33N.	. 7 (16) nty north	5))) hawkweed, orange Hieracium aurantiacum		regions 3,6,((7;))9,10 Ferry County of region 4 Lincoln and Adams counties of region 7.
(6)	camelthorn Alhagi pseudalhagi	(a) regions 1,2,3,4,5,7 (b) Intercounty Weed 51, Intercounty W No. 52, Grant Co	District No. (17) Veed District ounty Weed	6))) hawkweed, yellow Hieracium pratense	(a) (b)	regions 1,2,3,5,6,7,8,9,10 Ferry ((County)) and Spokane counties of region 4.
		District No. 1, Gr County Weed Dis and Grant County No. 3	strict No. 2, (18) y Weed District	7))) j indigobush Amorpha fruticosa	(b)	and 10
		(c) Grant County nor 90	(((I	8))))		Asotin County of region 10.
		(d) T16N, R29E; T16 T15N, R28E exce T15N, R29E; T15	ept Sec. 5;	knapweed, black Centaurea nigra	(a) (b)	regions 1,2,3,4,5,7,9,10 region 6 except Kittitas County
		(e) Franklin County of Columbia, Garfiel	ld, and (((1	9))))	(c)	region 8 except Clark County.
		Asotin counties of (g) an area beginning Washington — O at the southwest;	g at the Pregon border	knapweed, brown Centaurea jacea	(a) (b) (c)	regions 1,2,3,4,5,7,9,10 region 6 except Kittitas County region 8 except Clark County.
		section 15, R32E, north to the north of section 3, ((R3 T7N, then east to northeast corner ((R36E)) R32E, to southeast portisection 15, ((R36	(((2) (1) (1) (1) (1) (1) (1) (1) (1) (1) (1	(9)))) knapweed, diffuse Centaurea diffusa	(a)	regions 1,2,5,8 Grant County lying in the north half of Township 15 North, Ranges 24 through 27 East; Township 16 North, Ranges 25, 26 and 27 East; Townships 17 and 18 North,
			E)) <u>R32E,</u> hington —			

Name	Will be a "Class B designate" in all lands lying within:	Name	Will be a "Class B designate" in all lands lying within:
(((ALN))	Range 30 East; Township 22 North, Ranges 23, 24, and 25 East; Townships 21, 22, and 23 North, Ranges 28, 29, and 30 East; Townships 24 and 25 North, Ranges 29 and 30 East; Township 26 North, Range 30 East; and the east half of Township 27 North, Range 30 East, all W.M. (c) Adams County except those areas within T15N, R36E, Section 36; T15N, R37E, Sections 22,23,24,25,26,27,28, 31,32,33 and 34; T15N, R38E, Sections 2,10,11,14,15,19 and 20; T16N, R38E, Sections 34 and 35; T17N, R37E, Sections 5 and 6; T18N, R37E, Sections 29,30,31 and 32 (d) Franklin County of regions 9 and 10.	(((27))) (28) nutsedge, yellow Cyperus esculentus	(a) regions 1,2,3,4,5,7,8 (b) Yakima County Weed District No. 1 (c) region 6 except: (i) those areas lying between State Highway 26 and State Highway 28 in Grant County (ii) those areas lying in Yakima County but not in Yakima Weed District No. 1 (d) region 9 except: (i) those areas lying in Yakima County but not in Yakima Weed District No. 1 (ii) an area lying southerly of State Route 14 and within T2N, Ranges 13 and 14 E
(((21))) (22) knapweed, meadow Centaurea jacea x nigra	(a) regions 1,2,3,4,5,7,9,10 (b) region 6 except Kittitas	(((28)))	(e) region 10 except Walla Walla County.
, ,	County (c) region 8 except Clark County.	(29) oxtongue, hawkweed Picris hieracioides	(a) regions 1,2,3,4,5,6,7,9,
(((22))) (23) knapweed, Russian	(a) regions 1,2,5,7,8		(b) region 8 except Skamania County.
Acroptilon	(b) region 4 except that area	(((29) peaweed, Austrian Sphaerophysa salsula	(a) regions 1,2,3,4,5,7,8
repens	lying within the boundaries of the Colville Indian Reserva-	Spiracrophysa saisula	(b) Yakima County Weed District No. 1
	tion within Ferry County (c) Adams County except those		(c) Columbia, Garfield, Asotin, and Franklin counties
	areas in the Main Lind Coulee Drainage area of T17N, R32E, Sections 19,20,25,27,28,29,32, 33,34,35 and 36; T17N, R33E, Sections 16,17,19,20 and 30; and those areas within the Lower Crab Creek drainage area of T15N, R28E, sections 5 and 6; and the western half of T16N, R28E (d) Intercounty Weed District No. 52 (e) region 10 except Franklin County.		(d) an area beginning at the Washington — Oregon border at the southwest portion of section 15, R32E, T6N, then north to the northwest corner of section 3, R36E, T7N, then east to the northeast corner of section 3, R36E, T7N, then south to the southeast portion of section 15, R36E, T6N, at the Washington — Oregon border, then west along the Washington — Oregon border to the point
(((23))) (24) knapweed, spotted	(a) regions 1,2,3,5,6,8,9	(30) pepperweed, perennial	of beginning:)) (a) regions 1,2,3,4,5,7,8,10
Centaurea maculosa	(b) Adams and Whitman counties of	Lepidium latifolium	(b) Grant County lying northerly
	region 7 (c) region 10 except Garfield County.		of Township 21, North, W.M. (c) Intercounty Weed Districts No. 51 and 52.
(((24)))		(31) ragwort, tansy	(a) regions 3,4,6,7,9,10.
(25) lepyrodiclis Lepyrodiclis holsteoides	(a) regions 1,2,3,4,5,6,8,9,10 (b) region 7 except an area within Whitman County east of the Pullman — Wawawai Road from Wawawai to Pullman and south of State Highway 270 from Pullman to Moscow, Idaho.	Senecio jacobaea (32) sandbur, longspine Cenchrus longispinus (33) skeletonweed, rush	 (a) regions 1,2,3,4,5,7,8 (b) Adams County of region 6 except for that area lying within Intercounty Weed District No. 52 (c) Intercounty Weed District No. 51. (a) regions 1,2,3,5,8,9
(((25) lythrum)) (26) loosestrife, purple Lythrum salicaria	(a) regions 1,3,4,7,8 (b) region 5 except King County (c) region 6 except that portion of Grant County lying souther— ly of State Highway 28 and except Sections 21,28,29 and 32, Township 21 North, Range 26 East, W.M. (d) region 9 except Benton County (e) region 10 except Walla Walla County (f) Intercounty Weed Districts No. 51 and No. 52.	Chondrilla juncea	(b) Franklin County except T13N, R36E; and T14N, R36E (c) Adams County except those areas lying east of a boundary line running north from Franklin County along the western boundary of Range 36 East to ((Wellsandt Road then east on Wellsandt Road to Interstate 90 then following)) State highway 26 then east on State Highway 26 to State Highway 261 to Sutton Road then east on Sutton Road to Snyder Road then north on
(27) medusahead Taeniatherum caput-medusae	(a) regions 1,2,5,8.		Snyder Road extended to Providence Road then west on Providence Road to Klein Road then north on Klein Road to

Name	Will be a "Class B designate" in all lands lying within:	Name	Will be a "Class B designate" in all lands lying within:
	Wellsandt Road then east on Wellsandt Road to Interstate 90 then east on I-90 to the Lincoln County line (d) region 6 except that portion lying within Grant County that is southerly of State Highway 28, northerly of Interstate Highway 90 and easterly of Grant County Road E. Northwest (e) Pend Oreille County north of the northernmost boundary of Township 33 North (f) Asotin County of region 10.	(38) thistle, musk Carduus nutans (((38) thistle, plumeless Carduus acanthoides (39) thistle, plumeless	then south to the southeast portion of section 15, R32E, T6N, at the Washington — Oregon border, then west along the Washington — Oregon border to the point of beginning. (a) regions 1,2,5,6,7,8,9,10 (b) Spokane and Pend Oreille counties. (a) regions 1,2,3,5,6,7,8,9,10 (b) region 4 except Stevens County:)) (a) regions 1,2,3,5,6,7,8,9,10
(34) sowthistle, perennial	(a) regions 1,2,3,4,5,7,8,9,10.	Carduus acanthoides	(b) region 4 except those areas
Sonchus arvensis arvensis (35) spurge, leafy Euphorbia esula	(a) regions 1,2,3,4,5,6,8,9 (b) region 7 except as follows: (i) T27N, R39E, Sections 24, 25,28,29,30,32,33,34 T26N, R39E, Sections 3,4,5,9,10,15,16,21,22 of Lincoln County (ii) T22N, R37E, Sections 1,12,13,14,23,24,25,26, 35,36; T22N, R38E, Sections 3,4,5,6,7,8,17,18,	(((39)))) (40) thistle, Scotch Onopordum acanthium	within Stevens County lying north of State Highway 20. (a) regions 1,2,3,4,5,6,8,9 (b) region 7 except for those areas within Whitman County lying south of State Highway 26 from the Adams County line to Colfax and south of State Highway 195 from Colfax to Pullman and south of State
·	19; T23N, R38E, Sections 7,8,17,18,19,20,21,27,28, 29,30,31,32,33,34; T23N, R37E, Sections 23,24,25, 26,35,36 of Lincoln County (iii) T27N, R37E, Sections 34,35,36; T27N, R38E, Sections 31,32,33; T26N,	(((40)))) (41) toadflax, Dalmatian Linaria genistifolia spp. dalmatica	Highway 270 from Pullman to the Idaho border (c) Franklin County. (a) regions 1,2,5,8,10 (b) Kittitas, Chelan, Douglas, Adams counties of region 6 (c) Intercounty Weed District No. 51
	R37E, Sections 1,2,3,10, 11,12,13,14,15,16,26; T26N, R38E, Sections 5, 6,7,8 of Lincoln County (iv) ((T25N, R41E, all sections, all T27N, R41E) south of the Spokane River; all T26N, R42E west of the Spokane River)) T24N, R43E, Section 12, Qtr.	(((41))) (42) ventenata	(d) Lincoln and Adams counties and western two miles of Spokane County of region 7 region 9 except as follows: (i) those areas lying within Yakima County (ii) those areas lying west of the Klickitat River and within Klickitat County. (a) regions 1,2,3,5,6,8
	Section 3, Parcel No. 9068 of Spokane County (c) region 10 except as follows: (i) T9N, R39E, Section 8 of Columbia County (ii) T13N, R40E, Sections 10, 11,12,13,14,15,16;	Ventenata dubia ((((42))) (43) watermilfoil, Eurasian Myriophyllum spicatum	(b) Franklin County. (a) regions 1,8,9,10 (b) region 7 except Spokane County.
(36) starthistle, yellow	T13N, R41E, Sections 5,6, 7,8,9,10,11,12,13,14; T13N, R42E, Sections 2,3, 4,5,7,8,9,10,11,26,27, 34,35 of Garfield County. (a) regions 1,2,3,4,5,6,8	Resolution No. 26, filed WAC 16-750-015	CTION (Amending Order 26, 11/29/88) STATE NOXIOUS WEED OXIOUS WEEDS. ((Class C
Centaurea solstitialis	(b) region 7 except those areas within Whitman County lying south of State Highway 26 from the Adams County line to	noxious weeds are as fol	SCIENTIFIC NAME
	Colfax and south of State Highway 195 from Colfax to Pullman and south of State Highway 270 from Pullman to the Idaho border (c) Franklin County	babysbreath bindweed, field carrot, wild cocklebur, spiny cress, hoary	Gypsophila paniculata Convolvulus arvensis Daucus carota Xanthium spinosum Cardaria draba
	(d) Region 9 except Klickitat	dodder, smoothseed alfalfa	Cuscuta ((spp.)) approximata
(37) Swainsonpea Sphaerophysa salsula	County. (a) regions 1,2,3,4,5,7,8 (b) Yakima County Weed District No. 1	garden rocket henbane, black houndstongue ((jimsonweed	Eruca vesicaria spp. sativa Hyoscyamus niger Cynoglossum officinale Datura stramonium))
	(c) Columbia, Garfield, Asotin, and Franklin counties (d) an area beginning at the Washington — Oregon border at the southwest portion of section 15, R32E, T6N, then north to the northwest corner of section 3, R32E, T7N, then east to the northeast corner of section 3, R32E, T7N,	kochia mayweed, scentless mullein, common nightshade, bitter poison-hemlock puncturevine quackgrass rye, cereal	Kochia scoparia Matricaria maritima var. agrestis Verbascum thapsus Solanum dulcamara Conium maculatum Tribulus terrestris Agropyron repens Secale cereale

COMMON NAME

spikeweed St. Johnswort, common tansy, common toadflax, yellow thistle, bull thistle, Canada whitetop, hairy wormwood, absinth

SCIENTIFIC NAME

Hemizonia pungens Hypericum perforatum Tanacetum vulgare Linaria vulgaris Cirsium vulgare Cirsium arvense Cardaria pubescens Artemisia absinthium

WSR 90-01-005 RULES COORDINATOR HIGHER EDUCATION PERSONNEL BOARD

[Filed December 7, 1989, 1:23 p.m.]

In accordance with RCW 34.05.310(3), please publish the following information in the State Register: Agency rules coordinator: Pamela K. Andersen, Higher Education Personnel Board, 1202 Black Lake Boulevard, FT-11, Olympia, WA 98504.

John A. Spitz Director

WSR 90-01-006 PERMANENT RULES CENTRAL WASHINGTON UNIVERSITY

[Filed December 7, 1989, 1:30 p.m.]

Date of Adoption: October 24, 1989.

Purpose: Change parking lot designations and increase monetary penalty schedule.

Citation of Existing Rules Affected by this Order: Amending WAC 106-116-201, 106-116-203, 106-116-205, 106-116-207, 106-116-208, 106-116-210, 106-116-301, 106-116-311, 106-116-514, 106-116-601 and 106-116-603.

Statutory Authority for Adoption: RCW 28B.19.050 and 28B.40.120.

Pursuant to notice filed as WSR 89-19 [89-19-026] on October 4, 1989 [September 13, 1989].

Effective Date of Rule: Thirty-one days after filing.

October 24, 1989 Alfred J. Teeples, Chief Campus Safety Department

AMENDATORY SECTION (Amending Order 61, filed 11/9/87)

WAC 106-116-201 PERMITTED PARKING AREAS. (1) University owned parking areas are marked with signs reading, "Parking by university permit only." Vehicles parked without valid parking permits will be ticketed from 7:30 a.m. to ((4:00)) 4:30 p.m. Monday through Friday, except:

- (2) No parking permitted daily in ((B, C-1)) J-8, Q-14, and ((R)) S-10 lots from 4:00 a.m. to 6:00 a.m. except in designated areas of those lots as posted.
- (3) ((In the library parking lot, enforcement shall be in effect from 7:30 a.m. to 10:00 p.m. Monday through Friday.

- (4))) Enforcement shall be in effect twenty-four hours a day in the following parking areas:
 - (a) Buttons Apartments;
 - (b) Limited time zones;
 - (c) I-15 and N-19 lot;
- (d) Handicapped areas.

AMENDATORY SECTION (Amending Order 61, filed 11/9/87)

WAC 106-116-203 SPECIFIC PARKING PROHIBITIONS. (1) Parking in areas and places normally used for moving traffic is a specific violation of these regulations.

- (2) Parking in such a position with relation to other parked cars or marked parking spaces as to impede, restrict, or prevent free ingress or egress by other automobiles violates these regulations.
- (3) Parking in areas marked for a special permit or clearly designated by signing for special use not available to the general public or regular permit holders is prohibited. Examples: Parking in a space marked "handicapped permits only" or "health center permit only." ((and in the library parking lot.))
 - (4) Parking and/or driving on sidewalks is prohibited.
- (5) Parking or driving on lawns or flower beds is prohibited.

AMENDATORY SECTION (Amending Order 61, filed 11/9/87)

WAC 106-116-205 APARTMENT RESIDENTS. (1) Residents of Brooklane Village, Roy P. Wahle University Complex, Student Village Apartments, Getz Short Apartments and Buttons Apartments do not need parking permits to park in the parking area adjacent to their respective apartments but must register their vehicles with the housing office.

- (2) Apartment residents may purchase a commuter parking permit.
- (3) Residents of Student Village may park in lots ((G-1 and G-2)) T-22, U-22, and X-22 without a permit.

AMENDATORY SECTION (Amending Order 47, filed 11/3/81)

WAC 106-116-207 FACULTY-STAFF PARKING. Faculty and staff parking areas are posted with signs reading, "faculty and staff parking only." Student parking is not permitted in any designated faculty and staff parking area Monday through Friday from 7:30 a.m. to ((4:00)) 4:30 p.m.

AMENDATORY SECTION (Amending Order 59, filed 11/7/86)

WAC 106-116-208 FIRE LANES AND SERVICE DRIVES. Parking is not allowed at any time in the service drives or fire lanes of all campus buildings. Service drives may be used by service and emergency vehicles((, and for loading and)): Load/unload permits are required for unloading personal items.

AMENDATORY SECTION (Amending Order 59, filed 11/7/86)

WAC 106-116-210 PARKING WITHIN DESIGNATED SPACES. All vehicles shall be parked perpendicular to the bumper blocks and/or within the painted lines. In ((B and C=1)) J-8 and Q-14 lots the front of the vehicle shall be facing toward and against the bumper blocks.

AMENDATORY SECTION (Amending Order 37, filed 1/13/78)

WAC 106-116-301 PURCHASING PARKING PERMITS. (((1))) Parking permits may be purchased from ((the cashier during registration or at)) the cashier's office, Mitchell Hall.

(((2) Persons who own more than one vehicle that may be parked on university owned parking facilities may obtain permits for such additional vehicles: PROVIDED, That this type of additional permit does not constitute the right to park more than one vehicle at a time on campus. WAC 106-116-305(4) also has applicability in this situation.))

AMENDATORY SECTION (Amending Order 47, filed 11/3/81)

WAC 106-116-311 PARKING FEE REFUNDS. (1) Application for parking permit fee refunds are to be made at the ((campus safety department)) auxiliary services office. The parking permit must be surrendered upon application for a refund.

- (2) A full parking fee refund is obtainable only within the first seven calendar days of any academic quarter in which the permit is issued.
- (3) Refunds are permitted only under the following conditions:
 - (a) Student teaching, or other off-campus program;
 - (b) Withdrawal from the university;
 - (c) Termination of employment.
 - (4) Refunds will not be made for daily permits.

AMENDATORY SECTION (Amending Order 59, filed 11/7/86)

WAC 106-116-514 ELECTION TO FORFEIT OR CONTEST. The notice of infraction issued pursuant to WAC 106-116-513 of these regulations shall inform the alleged violator that he/she may elect either to forfeit the monetary penalty to the infraction(s) charged or to contest the matter(s).

- (1) If the alleged violator chooses to forfeit the penalty, he/she may do so by paying the appropriate amount to the cashier's office. Payment will be in cash, check, certified check, or by money order. Such payment may also be made by mail. Such forfeiture shall constitute a waiver of a right to a hearing.
- (2) If the alleged violator chooses to contest, he/she may do so by contacting the ((cashier's)) auxiliary services office, ((Mitchell)) Barge Hall, CWU, where parking infraction appeal forms are available upon request. The completed form stating the reasons for challenging the validity of the assessed obligation must

be filed in the ((cashier's)) auxiliary services office within fifteen days of the date of the infraction notice. The appeal must be reviewed by the university parking appeal board, consisting of three student members, one faculty member, one staff member, the chief of campus safety (ex officio) and the director of student activities (ex officio). The parking appeal board will render a decision in good faith.

(3) A person charged with a parking infraction who deems himself or herself aggrieved by the final decision of the university parking appeal board may, within ten days after written notice of the final decision, appeal by filing a written notice thereof with the campus safety office. Documents relating to the appeal shall immediately be forwarded to the lower Kittitas County district court which shall have jurisdiction over such offense and such appeal shall be heard de novo.

AMENDATORY SECTION (Amending Order 53, filed 6/9/83, effective 7/24/83)

WAC 106-116-601 TRAFFIC REGULATION SIGNS, MARKINGS, BARRICADES, ETC. (1) The campus safety office and the ((physical plant department)) auxiliary services office are authorized to erect signs, barricades and other structures and to paint marks and other directions upon the streets and roadways for the regulation of traffic and parking upon state lands devoted mainly to the educational or research activities of Central Washington University. Such signs, barricades, structures, markings, and directions shall be so made and placed as to, in the opinion of the chief of campus safety and the director of ((physical plant)) auxiliary services, best effectuate the objectives stated in WAC 106-116-020 of these regulations.

(2) No sign, barricade, structure, marking, or direction for the purpose of regulating traffic or parking shall be moved, defaced, or in any way changed by any person without authorization from the chief of campus safety.

AMENDATORY SECTION (Amending Order 61, filed 11/9/87)

WAC 106-116-603 MONETARY PENALTY SCHEDULE.

Offense	Penalty
(1)	Improper display of permit \$ 5.00
(2)	Parking faculty-staff area((5.00)) 12.00
(3)	Parking yellow stripe or curb
(4)	Parking outside designated parking
,	area ((5.00))
	7.00
(5)	Obstructing traffic((10.00))
(6)	Parking at improper angle or using more than one stall, or backing into
	parking stall((5.00))
	7.00
(7)	Violation of the bicycle parking rules
	in WAC 106–116–901
(8)	Reserved parking area $((5.00))$
(0)	12.00

Offense	Penalty
(9) (10)	No parking area
(11)	Using counterfeit, falsely made or
(12)	altered permit 100.00 Illegal use of permit 25.00
	No current permit
(14)	Parking service drive $((10.00))$
(15)	Parking/driving sidewalks, malls
	Parking/driving lawns
(17)	Parking fire lane
(18)	Parking fire hydrant
(19)	Driving, walking, leading, etc., certain animals on campus without permit (WAC 106-116-10401)((10.00))
(20)	Other violations of the objectives of
(20)	the CWU parking and traffic
	regulations
(21)	Parking in a space marked "handi—capped permits only"
(22)	Continuous parking

The first \$5.00 to ((\$10.00)) \$7.00 infraction notice between September 1 and August 31 each year shall be considered a written warning and no monetary penalty will be imposed if brought to the campus safety (police) office within seven calendar days from the date of the infraction. Parking warning transactions will be handled by that office between the hours of 7:00 a.m. and 4:00 p.m. Monday through Friday.

Failure to respond within fifteen days will result in the issuance of an overdue notice and an administrative charge of \$2.00 will be added. If payment has not been received within ten days after issuance of the overdue notice, the original monetary penalty will be doubled except that, in accordance with RCW 46.63.110(3), the penalty for failure to respond shall not exceed twenty-five dollars for any single infraction. Further failure to respond may result in one or more of the following sanctions:

- (a) Withholding of transcripts;
- (b) Deduction from payroll checks; and/or
- (c) Withholding of parking permits.

WSR 90-01-007 PERMANENT RULES HIGHER EDUCATION PERSONNEL BOARD

[Filed December 7, 1989, 4:33 p.m.]

Date of Adoption: December 7, 1989.

Purpose: To amend recently adopted temporary employee/remedial action rules to clarify how persons hired prior to October 1, 1989, are to be affected by the new rules.

Citation of Existing Rules Affected by this Order: Amending WAC 251-01-415, 251-04-040, 251-12-600 and 251-19-120.

Statutory Authority for Adoption: RCW 28B.16.100. Other Authority: RCW 28B.16.040(2) and 70.24.300. Pursuant to notice filed as WSR 89-22-017 on October 24, 1989.

Effective Date of Rule: Thirty-one days after filing.

December 7, 1989

John A. Spitz

Director

AMENDATORY SECTION (Amending Order 179, filed 6/21/89, effective 10/1/89)

WAC 251-12-600 REMEDIAL ACTION. (1) The director may take remedial action when it is determined that the following conditions exist.

- (a) The hiring institution has made an appointment that does not comply with higher education personnel board rules.
- (b) The employee has worked in one or more positions for more than one thousand fifty hours in any twelve consecutive month period since the original hire date or October 1, 1989, whichever is later. (These hours do not include overtime or work time as described in WAC 251-04-040(2).)
- (c) The position or positions are subject to civil service.
- (d) The employee has not taken part in any willful failure to comply with these rules.
- (2) Remedial action includes the power to confer permanent status, set salary, establish seniority, and determine benefits accrued from the seniority date. Remedial action also includes other actions the director may require to meet the highest personnel standards.
- (3) If the institution has complied with WAC 251-19-122, the employee must:
- (a) Submit any request for remedial action in writing; and
- (b) File the request within thirty calendar days after the effective date of the alleged violation of the conditions of employment which are to be specified in the written notification of temporary appointment.
- (4) The director's order for remedial action shall be final and binding unless exceptions are filed with the board within thirty calendar days of the date of service of the order. Exceptions must state the specific items of the order to which exception is taken. The board will review the exceptions and may hold a hearing prior to modifying or affirming the director's order.

AMENDATORY SECTION (Amending Order 179, filed 6/21/89, effective 10/1/89)

WAC 251-19-120 APPOINTMENT—TEMPORARY. (1) Temporary appointment may be made only to meet employment conditions set forth in the definition of "temporary appointment" in WAC 251-01-415.

(2) Temporary appointment to perform work in the absence of an employee on leave for more than six consecutive months shall be made following certification

from appropriate eligible lists of eligibles who have indicated willingness to accept such temporary appointment. Employees appointed to classified positions in accordance with this subsection are covered by chapter 28B.16 RCW and Title 251 WAC. Temporary appointment made in accordance with this subsection is not limited to the one thousand fifty hours in any twelve consecutive month period from the original date of hire limitation, or October 1, 1989, whichever is later, identified in WAC 251-01-415(2) and 251-12-600.

- (3) The employing official may temporarily assign a classified employee the duties and responsibilities of a higher-level class for a period of less than six consecutive months. The salary shall be determined per WAC 251-08-110.
- (4) Temporary appointment to positions identified in the definition of "temporary appointment" in WAC 251-01-415 (2) and (3) may be made without regard to the rules governing appointment.
- (5) A permanent classified employee accepting temporary appointment to a position identified in the definition of "temporary appointment" in WAC 251-01-415 (1)(a), (2), and (3), shall retain and continue to receive all rights and benefits provided by these rules for the duration of the temporary appointment.
- (6) At the conclusion of a temporary appointment made in accordance with these rules, a permanent employee shall have the right to revert to his/her former position or to an equivalent position.
- (7) Each institution shall develop for director approval a procedure which indicates its system for controlling and monitoring exempt positions as identified in RCW 28B.16.040(2).
- (8) An institution may petition the director in writing for approval of exceptions to these requirements. The director will annually review the appropriateness of exceptions granted and advise the board.
- (9) No temporary appointment shall take the place of employees laid off due to lack of work or lack of funds.

AMENDATORY SECTION (Amending Order 179, filed 6/21/89, effective 10/1/89)

WAC 251-01-415 TEMPORARY APPOINTMENT. (1) Work performed in the absence of an employee on leave for more than six consecutive months in accordance with WAC 251-19-120(2); or

- (2) Performance of work which does not exceed one thousand fifty hours in any twelve consecutive month period from the original date of hire or October 1, 1989, whichever is later, in accordance with WAC 251-04-040(5); or
- (3) Formal assignment of the duties and responsibilities of a higher level class for a period of less than six consecutive months.

AMENDATORY SECTION (Amending Order 179, filed 6/21/89, effective 10/1/89)

WAC 251-04-040 EXEMPTIONS. The following classifications, positions, and employees of higher education institutions/related boards are hereby exempted from coverage of this chapter.

- (1) Members of the governing board of each institution/related board; all presidents, vice presidents and their confidential secretaries, administrative and personal assistants; deans, directors, and chairmen; academic personnel; executive heads of major administrative or academic divisions employed by institutions of higher education; and any employee of a community college district whose place of work is one which is physically located outside the state of Washington and who is employed pursuant to RCW 28B.50.092 and assigned to an educational program operating outside of the state of Washington.
- (2) Students employed by the institution at which they are enrolled (or related board) and who either:
- (a) Work five hundred sixteen hours or less in any six consecutive months, exclusive of hours worked in a temporary position(s) during the summer and other breaks in the academic year, provided such employment does not:
- (i) Take the place of a classified employee laid off due to lack of funds or lack of work; or
- (ii) Fill a position currently or formerly occupied by a classified employee during the current or prior calendar or fiscal year, whichever is longer;
- (b) Provided further that the hour limitation shall not apply to student employees who were hired before July 20, 1984, with an understanding of working more than the stated number of hours monthly, and also with an understanding of such employment continuing for the duration of their education. However, this exception shall apply only to students who are continuously enrolled and shall not extend beyond September 1, 1988. Students covered by this exception shall be identified to the director;
- (c) Are employed in a position directly related to their major field of study to provide training opportunity; or
- (d) Are elected or appointed to a student body office or student organization position such as student officers or student news staff members.
- (3) Students participating in a documented and approved programmed internship which consists of an academic component and work experience.
- (4) Students employed through the state or federal work/study programs.
- (5) Persons employed to work one thousand fifty hours or less in any twelve consecutive month period from the original date of hire or October 1, 1989, whichever is later. Such an appointment may be subject to remedial action in accordance with WAC 251-12-600, if the number of hours worked exceeds one thousand fifty hours in any twelve consecutive month period from the original date of hire or October 1, 1989, whichever is later, exclusive of overtime or work time as described in subsection (2) of this section.
- (6) Part-time professional consultants retained on an independent part-time or temporary basis such as physicians, architects, or other professional consultants employed on an independent contractual relationship for advisory purposes and who do not perform administrative or supervisory duties.

- (7) The director, his confidential secretary, assistant directors, and professional education employees of the state board for community college education.
- (8) The personnel director of the higher education personnel board and his confidential secretary.
- (9) The governing board of each institution/related board may also exempt from this chapter, subject to the employee's right of appeal to the higher education personnel board, classifications involving research activities, counseling of students, extension or continuing education activities, graphic arts or publications activities requiring prescribed academic preparation or special training, and principal assistants to executive heads of major administrative or academic divisions, as determined by the higher education personnel board: PROVIDED, That no nonacademic employee engaged in office, clerical, maintenance, or food and trades services may be exempted by the higher education personnel board under this provision.
- (10) Any employee who believes that any classification should or should not be exempt, or any employee because of academic qualifications which would enable such employee to teach and thus be exempt, may appeal to the board in the same manner as provided in WAC 251-12-080, et seq.
- (11) Any classified employee having civil service status in a classified position who accepts an appointment in an exempt position shall have the right of reversion to the highest class of position previously held, or to a position of similar nature and salary, within four years from the date of appointment to the exempt position. However, (a) upon the prior request of the appointing authority of the exempt position, the board may approve one extension of no more than four years; and (b) if an appointment was accepted prior to July 10, 1982, then the four—year period shall begin on July 10, 1982. Application for return to classified service must be made not later than thirty calendar days following the conclusion of the exempt appointment.
- (12) When action is taken to convert an exempt position to classified status, the effect upon the incumbent of such position shall be as provided in WAC 251-19-160.

WSR 90-01-008 NOTICE OF PUBLIC MEETINGS PENINSULA COLLEGE

[Memorandum—December 7, 1989]

The board of trustees of Community College District #1, meeting in regular session on November 21, 1989, adopted the schedule of meeting dates as follows for the 1990 calendar year:

January 16
February 20
March 20
April 17
May 15
June 19
July – None
August 21
September 18
October 16
November 20
December 11

WSR 90-01-009 NOTICE OF PUBLIC MEETINGS HUMAN RIGHTS COMMISSION

[Memorandum—December 7, 1989]

The special commission meeting telephone conference call scheduled for December 7, 1989, has been cancelled. The subject matter, the discussion of the selection of an executive secretary for the Washington State Human Rights Commission, will be addressed during an executive session of the regular commission meeting on December 20, 1989, at the Port of Seattle, Third Floor Conference Room, Pier 66, Seattle, beginning at 7:00 p.m.

WSR 90-01-010 NOTICE OF PUBLIC MEETINGS DEPARTMENT OF INFORMATION SERVICES

[Memorandum—December 6, 1989]

Following is a list of dates and times for 1990 Information Services board meetings to be published in the Washington Register:

DATE	TIME	LOCATION
January 25, 1990	1:30 p.m.	Olympia
March 22, 1990	1:30 p.m.	Olympia
May 24, 1990	1:30 p.m.	Olympia
July 26, 1990	1:30 p.m.	Olympia
September 27, 1990	1:30 p.m.	Olympia
November 15, 1990	1:30 p.m.	Olympia

WSR 90-01-011 NOTICE OF PUBLIC MEETINGS EDMONDS COMMUNITY COLLEGE

[Memorandum—December 8, 1989]

Thursday, December 14, 1989 Lynnwood Hall, Room 424 4:30 - 6:30

The facilities for this meeting are free of mobility barriers and interpreters for deaf individuals and brailled or taped information for blind individuals will be provided upon request when adequate notice is given.

WSR 90-01-012 NOTICE OF PUBLIC MEETINGS DEPARTMENT OF LABOR AND INDUSTRIES (Apprenticeship and Training Council)

[Memorandum—December 11, 1989]

On October 20, 1989, the Washington State Apprenticeship and Training Council set a schedule for their meetings in 1990 and 1991. Listed below are the dates, places and time for these meetings:

January 18-19, 1990	Radisson Hotel	9:00 a.m.
•	Sea-Tac Airport	
April 19–20, 1990	Yakima, WA	9:00 a.m.
July 19-20, 1990	Vancouver, WA	9:00 a.m.
October 18-19, 1990	Spokane, WA	9:00 a.m.
January 17-18, 1991	Tri Cities	9:00 a.m.
April 18–19, 1991	Bellingham/Everett Area	9:00 a.m.
July 18-19, 1991	Spokane, WA	9:00 a.m.
October 17-18, 1991	Ocean Shores, WA	9:00 a.m.

WSR 90-01-013 PERMANENT RULES DEPARTMENT OF LABOR AND INDUSTRIES

[Order 89-21-Filed December 8, 1989, 3:45 p.m.]

Date of Adoption: December 8, 1989.

Purpose: Amend existing WAC 296-17-534 to recognize changes in technology, processes, and workplace hazard within shake and shingle mills with automated

Citation of Existing Rules Affected by this Order: Amending WAC 296-17-534, Classification 1002.

Statutory Authority for Adoption: RCW 51.04.020(1) and 51.16.035.

Pursuant to notice filed as WSR 89-20-062 on October 4, 1989; and WSR 89-24-052 on December 1, 1989. Effective Date of Rule: Thirty-one days after filing.

December 8, 1989 Joseph A. Dear Director

AMENDATORY SECTION (Amending Order 85-33, filed 11/27/85, effective 1/1/86)

WAC 296-17-534 CLASSIFICATION 1002.

Mills: Shake and shingle - automated processes

For purposes of this subclassification, automated processes refers to shake and shingle mills equipped with automatic feeders on all saws, adjustable packing and cutting stations, and fully automatic systems for conveying material to work stations. All equipment must be equipped with automatic shut off switches. Within a shingle mill the operation of a trim saw must be performed by an individual as a separate function from that of the shingle saw operator (shingle sawyer is not to perform both functions). Shake splitters must be equipped with a gauge control mechanism which permits the operator to automatically set the thickness of the cut. Conveyor systems must have dual controls to allow the deckman and sawyer the ability to control incoming material to the work station.

Block mills must be equipped with an automated pallet dump to eliminate the handling of material to the sawyer work station or an adjustable scissor lift adjacent to the shingle saw or shake splitter. Blocked wood purchased by mills must be contained in pallets prior to entering the mill yard or premises. Log mills must be equipped with a fully mechanized log slip (used to move logs into the deck area), log levelers, stabilizers, and lifters must be present in the deck area, automatic deck cut-off saw, live deck for moving material from the deck to the splitting area and overhead mounted splitters. Trim saws, also referred to as clipper saws, must be equipped with a laser guide or quartz light. This lighting reveals to the operator where its saw blade is in relationship to the material being

For purposes of this subclassification, the following terms or words shall be given the meanings below:

Automatic deck or cut-off saw - A large saw, usually circular, used to trim logs to a specified length (rounds) before they enter a manufacturing plant.

Clipper saw - A machine used to make shingle edges parallel.

Shingle - Roofing or siding material having sawn faces and backs, are of a standard thickness at the butt end and tapered finish at the other end.

Shake - Roofing or siding material having at least one surface with a natural grain textured split surface.

Live deck - A chain driven platform located in the same proximity as the deck saw and is used to convey cut rounds from the cutting area to the splitting area.

Log stabilizer - A levered device adjacent to the deck saw used to hold the log steady while it is being cut.

Log slip - A chain driven conveyor used to move logs into the deck area.

Laser or quartz guide light - An overhead mounted light above a saw that illuminates that portion of a work surface where the saw blade will pass or make a cut.

Log leveler - A levered device adjacent to the deck saw used to level a log automatically.

Overhead splitter - A ceiling mounted hydraulic, air or electrically operated apparatus with wedge shaped end that is used to split log rounds into block wood when activated by the splitterman.

Shingle saw - A machine used to make shingles.

Shake splitter - A machine used to split blocks into shake blanks.

Shake saw - A machine used to saw shake blanks into a finished wedged shape product.

Shake and shingle mills not meeting all the conditions as set forth above shall be separately classified in classification 1005 "Shake and shingle mills, N.O.C."

Sawmills, operation and maintenance

This ((classification)) subclassification excludes operations conducted in the woods rated under risk classification 5001 (WAC 296-17-659) logging, N.O.C.

WSR 90-01-014 PERMANENT RULES EMPLOYMENT SECURITY DEPARTMENT

[Filed December 11, 1989, 9:40 a.m.]

Date of Adoption: December 8, 1989.

Purpose: Modification of family independence program employment, training and education rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 192-42-020, 192-42-040, 192-42-050, 192-42-070 and 192-42-080; and amending WAC 192-42-010 and 192-42-030.

Statutory Authority for Adoption: RCW 50.12.010, 50.12.040 and chapter 74.21 RCW.

Pursuant to notice filed as WSR 89-22-064 on October 31, 1989.

Changes Other than Editing from Proposed to Adopted Version: Deleted phrase "and funded as set forth below," from WAC 192-42-054(5); and editorial changes in WAC 192-42-010, 192-42-021, 192-42-056 and 192-42-081.

Effective Date of Rule: Thirty days after filing.

December 8, 1989 Ernest F. LaPalm Deputy Commissioner

AMENDATORY SECTION (Amending Order 5-88, filed 5/31/88)

WAC 192-42-010 DEFINITIONS. The following definitions apply for this chapter and for family independence program employment, training, and education functions in chapter 74.21 RCW. Throughout this chapter "FIP" means family independence program. The definitions contained in Chapter 388-77 WAC apply to this chapter unless redefined below.

- (1) (("Administrative review" means the informal appeal process available to enrollees who feel they are aggrieved by a decision of the department related to the employability plan.
- (2) "Applicant" means any person or a member of a family unit who requests FIP cash assistance.
- (3) "Appropriate plan" means an employability plan which is designed to lead to employment and self-sufficiency as determined by department staff.
- (4) "Approved funding" means FIP resources allotted to fund employability plans determined by FIP staff as appropriate.
- (5) "Assessment" means both a FIP orientation and an evaluation of the enrollee's readiness to pursue employment, education, or training and other services available to help the enrollee to achieve self-sufficiency. Normally, the orientation and the evaluation will each take one appointment:
- (6))) "Department" means the employment security department.
- (((7))) (2) "Dispute resolution" means the appeal process available to nonenrollees for resolving disagreements arising from employment of enrollees.
- (3) "Employability assessment" means an evaluation of factors which indicate the likelihood of successful attainment of the enrollee's employment goal. These factors may include the enrollee's:

- (a) Competencies;
- (b) Previous education and training;
- (c) Employment history;
- (d) Skills;
- (e) Test results;
- (f) Aptitudes and abilities;
- (g) Limitations;
- (h) Desires and interests; and
- (i) The prevailing local labor market conditions.
- (((8))) (4) "Employability plan" means the component of the self-sufficiency plan as defined in WAC 388-77-010(17) designed by the enrollee with the assistance of department staff ((which specifies)) specifying the enrollee's employment goal and the activities which support achievement of the goal ((and is signed by the enrollee)).
- (((9) "Enrollee" means the head of household or family member of a family eligible to receive financial assistance or other services under the family independence program.
- (10) "Fair hearing" means an administrative proceeding under chapter 34.04 RCW by which the office of administrative hearings hears and decides the appeal of an enrollee from an action or decision of the department.
- (11) "Family independence program services" include job readiness programs, job development, employment, job search skills training, work programs, training, education, family planning services, development of mentor programs, income and medical support, parenting education, child care, and training in family responsibility and family management skills, including appropriate financial counseling and training in the management of finances and use of credit.
- (12) "Job search skill training" means group or individual training that aids the enrollee to identify, acquire, and sustain employment:
- (13) "Long-term education or training" means education or training, including degree programs, which exceeds nine months in duration.
- (14))) (5) "Job search plan" means a plan mutually agreed to by the department and the enrollee which sets forth the number and types of job search contacts the enrollee will make in a given period of time.
- (6) "On-the-job-training" means training provided by any employer who hires and then instructs the enrollee in the duties required of the enrollee at the work site. The employer pays the enrollee's wages, but will be reimbursed through ((a contract)) an agreement for the cost of employment training based on a percentage of the enrollee's gross salary, not to exceed fifty percent of the total of the enrollee's wages during the agreement.
- (((15) "Transitional employment" means fully subsidized employment:
- (16)) (7) "Self-sufficiency" for the purposes of this section means the non-exempt family income less deductions is in excess of the FIP benchmark standard, plus applicable incentives, plus child care and medical benefits if not otherwise provided. (("Self-sufficiency plan" means a written agreement between the department of social and health services or the department and

the enrollee that may include activities specifically undertaken for self support, and other items outlined in the employability plan or the social services plan.

- (17) "Short-term education or training" means education or training which does not exceed nine months in duration.))
- (8) "Supported work" means fully subsidized employment.
- ((18)) (9) "Work experience" means unsalaried training in a supervised employment site which instructs the enrollee in essential work practices, as well as providing an opportunity for the exercise of skills specific to employment procedures.

NEW SECTION

- WAC 192-42-021 ORIENTATION. The department shall offer FIP orientation to all referred applicants and enrollees. This orientation shall include, but is not limited to:
- (1) An explanation of FIP benefits and services and enrollee responsibilities;
- (2) An explanation of how an enrollee can be linked with employment and training activities;
 - (3) Current labor market information; and
- (4) Information and referral, as appropriate, to family opportunity councils.

AMENDATORY SECTION (Amending Order 5-88, filed 5/31/88)

WAC 192-42-030 EMPLOYABILITY PLAN. (1) The department shall offer ((£)) enrollees seeking ((who seek to pursue)) employment, training, or education ((shall be offered)) an assessment of employment, training, and education opportunities, and the opportunity to develop an individual employability plan. Department staff shall assist the enrollee in developing the employability plan based on an employability assessment ((evaluation of the enrollee's assessed competencies, interests, skills, and aptitudes)).

- (2) The employability plan shall indicate ((Department staff shall determine if the employability plan is appropriate considering the following criteria)):
- (a) The enrollee's occupational goal ((availability of suitable training activities to meet the enrollee's employment goal));
- (b) The range of wage needed for the family to be self-sufficient taking into account variables such as medical and child care costs ((likelihood that the training goal leads to employment which meets the financial requirements for the family to become self-sufficient));
- (c) An appraisal of the enrollee's current level of education or training, work experience, or other factors related to achieving the occupational goal; and ((The documentation of the enrollee's acceptance into education or training institutions, or other programs if applicable;))
- (d) Activities required for the enrollee to achieve the occupational goals. ((The assessment and appraisal of competencies, previous education and training, local labor market information and local wage levels, enrollee skills, employment history, aptitudes, abilities, barriers,

- limitations, desires, and interests which indicate the enrollee can attain the employment goal; and
- (e) Other factors which, in individual circumstances or conditions, demonstrate likelihood for successful completion of training.))
- (3) At any time during the FIP enrollment, the enrollee may request modification of the employability plan.
- (((4) Determination that an employability plan is appropriate does not guarantee that the employability plan will be funded.))

NEW SECTION

WAC 192-42-056 CRITERIA FOR APPROVAL OF EMPLOYMENT AND TRAINING ACTIVITIES AND FUNDING (1) The department shall approve the FIP employment and training activities included in an employability plan except when the employability assessment does not support the plan for any of the following reasons:

- (a) The department determines the enrollee lacks the aptitude, skills, or abilities to complete the training requested;
- (b) The enrollee currently possesses viable and relevant skills required to be self-sufficient as defined in WAC 192-42-010(7) in the current labor market as demonstrated through previous employment or completion of education or training.
- (c) The occupational goal does not lead to self-sufficiency based on available labor market information relating to projected earnings or job openings;
- (d) Comparable training that meets the needs of local employers is available at a total lower cost to FIP from another institution or employer;
- (e) The training goal requires the enrollee to attain a post-baccalaureate degree;
- (f) The training or occupational goal is religious in nature.
- (g) The planned activities do not meet the minimum time participation requirement established by the regional management committee.
- (2) The following training may be approved without regard to application of the above reasons for denial:
 - (a) English as a Second Language;
 - (b) General Equivalency Diploma; or
 - (c) Adult Based Education.
- (3) Notwithstanding the criteria above, regional management committees or their designated departmental representatives are authorized to approve employment and training activities when such approval would be consistent with the purposes of FIP.
- (4) Enrollees may independently pursue plans which are not approved by the department.
- (5) Enrollees in approved training or education activities shall be entitled to five per cent benefit incentive.
- (6) The department will fund approved employability plans and plan modifications on a first-come first-served basis. First-come first-served will be determined by the date the employability plan was initially approved. The following conditions must be met for funding to be obligated:

- (a) Where applicable, other funding resources (such as Pell grants) are applied against training and education services.
- (b) Adequate FIP funds are available to support the remaining costs for the approved activities.
- (c) Total FIP costs do not exceed the maximum set by the department or the regional management committee.
- (7) The department may provide the following services to support an approved employability plan:
 - (a) Tuition, books, supplies, and fees for training;
 - (b) Transportation reimbursement;
- (c) Employer reimbursement for salary, wages and other specified costs of on-the-job training;
 - (d) Child care; and
- (e) Other support services which may include, but are not limited to, clothing, tools, and professional licenses and certificates.
- (8) Once the plan has begun, the department may terminate incentive and services in support of an approved activity if the enrollee does not participate in the planned activity. Participation requirements shall be specified as part of the employability plan.

WAC 192-42-057 NOTICE OF DECISIONS. (1) The department shall notify enrollees in writing of decisions regarding denial of employability plans including intentions to terminate services to support a plan. Such notification shall include:

- (a) Activities denied;
- (b) Specific reason for each denial; and
- (c) Amount of funds, level of incentives or other services denied.
- (2) The department shall notify enrollees within 10 days of the decision of denial.
- (3) The department shall notify enrollees 10 days prior to termination of ongoing services.
- (4) The department shall inform enrollees of their right to appeal any part of the decision as a part of the written notification.

NEW SECTION

WAC 192-42-058 JOB SEARCH ALLOW-ANCE. Individual enrollees who participate in job search skills development or job search activities as a part of an approved employability plan may receive an allowance of up to thirty dollars per month for a maximum of one hundred twenty dollars in a consecutive twelve month period. Individual enrollees are eligible for the higher of the FIP grant incentive benefits or the job search allowance: PROVIDED, That other enrollees in the household may be entitled to incentive benefits based on their participation. Enrollees must meet the terms of the job search plan to receive the job search allowance.

NEW SECTION

WAC 192-42-081 DISPUTE RESOLUTION PROCESS. To the extent that RCW 74.21.120(4) requires a dispute resolution process for resolving disagreements relating to that section and other employment-related sections of chapter 74.21 RCW, this provision will govern the resolution of such disputes.

- (1) Nonenrollees who are affected by the family independence program and who have disagreements relating to the employment-related sections of the family independence program may use the dispute resolution process.
- (2) The department shall accept a written complaint from any employee or former employee, or employer aggrieved by a decision by the department relating to an employment-related issue.
- (3) Aggrieved nonenrollees must submit complaints to the local department staff within thirty working days of the date of the grievance or within thirty working days of the date the aggrieved should have become aware of the grievance, whichever is later.
- (4) The local office manager or designee shall conduct an investigation of all complaints. Within thirty working days of the receipt of the complaint, the local department staff shall submit a written report to the assistant commissioner for FIP or the assistant commissioner's delegate detailing the results of its investigations. The assistant commissioner shall enter an order disposing of the complaint within thirty working days after receipt of the investigative report.
- (5) The order shall provide an opportunity for the employer or other persons or entities to rectify the situation and shall state the actions to be taken by the department, if any. The department's actions may include but are not limited to:
- (a) Removing the enrollee from the place of employment;
- (b) Establishing an overpayment for the amount of the subsidy;
- (c) Removal of the employer from involvement in the program for a specified period of time; or
- (d) Prohibition of future referrals or placements with the employer.
- (6) The order shall also include the effective date of implementation and methods for extending the date. At the discretion of the assistant commissioner, the order may be made effective the date of delivery or of mailing, be retroactive, or remedial in nature. An appeal of the decision does not in itself delay implementation of the order.
- (7) Any party aggrieved by the decision of the assistant commissioner for FIP may request a hearing within thirty working days of the finding or order. The hearing will be held pursuant to Chapters 34.05 and 34.12 RCW.
- (8) Following the issuance of a decision by the office of administrative hearings, an aggrieved party may file a petition for review with the commissioner of employment security in accordance with chapter 50.32 RCW.
- (9) In any case in which an agreement has been terminated, the enrollee's continued employment with that

employer is at the sole discretion of the enrollee and the employer. However, in all cases, enrollees in subsidized and unsubsidized employment shall not continue participation at a place of employment that is involved in a strike, lockout, or other bona fide labor dispute.

(10) Any enrollee, aggrieved by the decision of the assistant commissioner for FIP may file a request for a fair hearing in accordance with RCW 74.21.100.

REPEALER

The following sections are repealed:

- (1) WAC 192-42-020 FIP Employment and Training
 - (2) WAC 192-42-040 Job Search Allowance
 - (3) WAC 192-42-050 Funding Criteria
- (4) WAC 192-42-070 Grievance Procedure and Appeals
 - (5) WAC 192-42-080 Dispute Resolution Process

WSR 90-01-015 EMERGENCY RULES GAMBLING COMMISSION

[Filed December 11, 1989, 11:18 a.m.]

Date of Adoption: November 14, 1989.

Purpose: The commission approved of electronic cranes at special locations requires the manufacturer to be licensed prior to providing any crane machines to licensed operators or distributors. This rule authorizes licensees to use electronic cranes that were certified by the staff for use during the 19 month test until December 31, 1990.

Statutory Authority for Adoption: Chapter 9.46 RCW.

Other Authority: RCW 9.46.0201 and [9.46.]070 (3), (11) and (14).

Pursuant to RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: Many cranes were certified during the test period that would not be legally operational without this rule.

Effective Date of Rule: Immediately.

December 11, 1989 Frank L. Miller Deputy Director

NEW SECTION

WAC 230-20-698 ELECTRONIC CRANE AMUSEMENT GAMES - SPECIAL AUTHORIZATION. Electronic crane games that were certified for play in Washington under the provisions of WAC 230-20-699 are authorized to be operated in the locations specified in WAC 230-20-680 until December 31, 1990.

Locations and operators must be licensed as set forth in WAC 230-04-190 and WAC 230-04-201.

WSR 90-01-016 RULES COORDINATOR CODE REVISER'S OFFICE

[Filed December 11, 1989, 1:16 p.m.]

In accordance with RCW 34.05.310, the rules coordinator for the Code Reviser's Office is Kerry S. Radcliff, Ground Floor, Legislative Building, Mailstop AS-15, Olympia, Washington 98504, phone (206) 753-7470 comm. 234-7470 scan.

Gary Reid Chief Assistant Code Reviser

WSR 90-01-017 NOTICE OF PUBLIC MEETINGS BOARD FOR VOCATIONAL EDUCATION

[Memorandum—December 5, 1989]

NOTICE OF MEETING DATE CHANGE

Cancellation: The Washington State Board for Vocational Education's December 14, 1989, meeting has been canceled.

Rescheduled: The Washington State Board for Vocational Education has rescheduled its December 14 board meeting for Thursday, January 4, 1990. The state board meeting will begin at 9:00 a.m. in the Board Room at Educational Service District 113, 601 McPhee Road S.W., Olympia, Washington.

People needing special accommodations, please call Patsi Justice at (206) 753-5660 or 234-5660 scan.

WSR 90-01-018 EMERGENCY RULES DEPARTMENT OF FISHERIES

[Order 89-147—Filed December 11, 1989, 2:48 p.m.]

Date of Adoption: December 11, 1989. Purpose: Commercial fishing regulations.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-44-05000Z.

Statutory Authority for Adoption: RCW 75.08.080.

Pursuant to RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: The Pacific Fishery Management Council has projected that landings of Widow rockfish will have reached the 1989 quota on December 13. Accordingly, the council has recommended that the

following regulations be effective at 12:01 a.m. December 13, 1989. This regulation is adopted at the recommendation of the Pacific Fisheries Management Council.

Effective Date of Rule: 12:01 a.m., December 13, 1989.

Joseph R. Blum Director

NEW SECTION

WAC 220-44-05000A COASTAL BOTTOM-FISH CATCH LIMITS. Notwithstanding the provisions of WAC 220-44-050, effective 12:01 A.M. December 13, 1989, until further notice it is unlawful to possess, transport through the waters of the state, or land in any Washington State port bottomfish taken for commercial purposes from Coastal Marine Fish-Shell-fish Management and Catch Reporting Areas 58B, 59A, 59B,, 60A, 61, 62, or 63 in excess of the amounts or less than the minimum sizes shown below for the species indicated:

- (1) Widow Rockfish (Sebastes entomelas) All Coastal Marine Fish Areas closed to harvest and landing.
- (2) Shortbelly rockfish (Sebastes jordani) no maximum poundage per vessel trip; no minimum size.
- (3) Pacific ocean perch (Sebastes alutus) Marine Fish Catch Reporting Areas 60A and 61 are closed to the taking or possession of Pacific ocean perch. Harvest of Pacific ocean perch in Marine Fish Catch Reporting Areas 58B, 59A, and 59B are subject to the following: No restrictions on landing up to 1,000 pounds per vessel trip. Landings above 1,000 pounds allowed only if Pacific Ocean perch represent 20 per cent or less of total weight of fish on board. Under no circumstances may a vessel land more than 2,000 pounds of Pacific Ocean perch in any one vessel trip.
- (4) All other species of rockfish includes all rockfish except Pacific ocean perch (Sebastes alutus), widow rockfish (Sebastes entomelas), shortbelly rockfish (Sebastes jordani) and idiot rockfish (Sebastolobus spp.) - 25,000 pounds of all other species of rockfish combined per vessel trip per calendar week, defined as Wednesday through the following Tuesday, of which no more than 3.000 pounds or 20 percent may be yellowtail rockfish (Sebastes flavidus) except that a fisherman having made a 1989 declaration of intent, may make either one landing of no more than 50,000 pounds of all other species of rockfish combined per vessel trip biweekly, defined as Wednesday through the second Tuesday following of which no more than 6,000 pounds, or 20 percent may be yellowtail rockfish or two landings of not more than 12,500 pounds of all other species of rockfish in any one calendar week of which no more than 1,500 pounds or 20 percent may be yellowtail rockfish. It is unlawful for any vessel to make other than one landing in excess of 3,000 pounds of other rockfish species in any calendar week, if no declaration to land other species of rockfish twice weekly has been made.
 - (5) Sablefish

- (a) Trawl Vessels No trip limit. No restrictions on landings up to 1,000 pounds per vessel trip. Landings above 1,000 pounds allowed only if sablefish represent 25 percent or less of total combined round weight of sablefish, dover sole, arrowtooth flounder, and thornyhead rockfish on board. To convert from round weight to dressed weight multiply the dressed weight by 1.75. Minimum size 22 inches in length, unless dressed in which case minimum size 15.5 inches in length from the anterior insertion of the first dorsal fin to the tip of the tail. Trawl vessels are allowed an incidental catch less than the minimum size of 1,000 pounds or 25 percent of the total combined round weight of the deep water complex on board but not to exceed 5,000 pounds per trip.
- (b) Non-Trawl Vessels Limit 2000 pounds per vessel trip or 20 percent of all legal fish on board whichever is less. The 20 percent limit does not apply to sablefish landings of less than 100 pounds. There is no size limit on sablefish caught with fixed gear.
- (6) 1989 Declarations of Intent All previous 1989 declaration forms remain in effect. If no declaration has been made, to make other than one vessel trip per week and land in excess of the minimum amounts as provided for in this section, a new declaration form must be completed as provided for in this subsection. The 1989 declaration of intent to make other than one vessel trip per week must be mailed or delivered to the Department of Fisheries, 115 General Administration Building Olympia, Wa., 98504, and must be received prior to the beginning of such fishing. The declaration of intent must contain the name and address of the fishermen, the name and registration number of the vessel, the date on which such fishing will commence and must be signed and dated by the fisherman. The fisherman may return to the one vessel trip per calendar week fishing by filing a declaration of intent to stop fishing other than once weekly with the department in the above manner. The declaration to stop such fishing and begin one vessel trip per calendar week fishing must be received prior to the beginning of the week in which the one vessel trip per calendar week fishing will resume. The date of first landing will determine the beginning of biweekly periodicity. Biweekly periodicity will restart after a landing that occurs more than four calendar weeks after the immediate prior landing. A calendar week is defined as Wednesday through the following Tuesday.
- (7) It is unlawful during unloading of the catch and prior to its being weighed or leaving the unloading facility to intermix with any other species a species or category of bottomfish having a vessel trip limit.
- (8) For purposes of this section, a vessel trip is defined as having occurred upon the initiation of transfer of catch from the fishing vessel, and all fish aboard the vessel are considered part of the vessel trip limit at the initiation of transfer of catch.

Reviser's note: The typographical error in the above section occurred in the copy filed by the agency and appears in the Register pursuant to the requirements of RCW 34.08.040.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-44-05000Z COASTAL BOTTOMFISH CATCH LIMITS. (89-137)

WSR 90-01-019 NOTICE OF PUBLIC MEETINGS INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION

[Memorandum—December 8, 1989]

At its November 3, 1989, meeting, the Interagency Committee for Outdoor Recreation (IAC) adopted the following meeting schedule for 1990:

March 22-23, 1990

Tyee Motor Inn 500 Tyee Drive Tumwater, WA Regular meeting and funding session for: Off-road vehicle education and enforcement projects; and

off-road vehicle maintenance

July 19-20, 1990

November 8-9, 1990

Methow Valley area

westwater Inn Evergreen Park Drive S.W. Olympia, WA and operation projects.
Regular meeting
(Place to be announced)
Regular meeting and funding
session for: Traditional local
agencies' grant-in-aid boating
projects; and nonhighway, offroad vehicle, ORV planning,
and ORV coordinator grantin-aid projects.

WSR 90-01-020 NOTICE OF PUBLIC MEETINGS WASHINGTON STATE LIBRARY (Western Library Network)

[Memorandum—December 8, 1989]

This is to inform you of the meeting dates for the 1990 Western Library Network (WLN) network services council. The meetings will be held at the West Coast Hotel, 18220 Pacific Highway South, Seattle, WA 98188, in the Tacoma Room beginning at 10:00 a.m.

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WSR 90-01-021 PROPOSED RULES GAMBLING COMMISSION

[Filed December 11, 1989, 3:44 p.m.]

Original Notice.

Title of Rule: New section WAC 230-20-698 Electronic crane amusement games—Special authorization.

Purpose: The commission approved of electronic cranes at special locations. Requires the manufacturer to be licensed prior to providing any crane machines to licensed operators or distributors. This rule authorizes licensees to use electronic cranes that were certified by the staff for use during the 19 month test until December 31, 1990.

Statutory Authority for Adoption: RCW 9.46.0201 and [9.46].070 (3), (11) and (14).

Statute Being Implemented: Chapter 9.46 RCW.

Summary: The rule grandfathers all cranes certified for use during the electronic crane test allowing them to operate until December 31, 1990, without manufacturer licensing.

Reasons Supporting Proposal: Many cranes were certified during the test period that would not be legally operational without this rule.

Name of Agency Personnel Responsible for Drafting: Frank L. Miller, Deputy Director, 4511 Woodview Drive S.E., Lacey, 438-7640; Implementation: Ronald O. Bailey, Director, 4511 Woodview Drive S.E., Lacey, 438-7640; and Enforcement: Richard Nicks, Assistant Director, 4511 Woodview Drive S.E., Lacey, 438-7640.

Name of Proponent: Washington State Gambling Commission, governmental.

Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: See Title of Rule and Summary above.

Proposal does not change existing rules.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

The agency has considered whether this rule would create an economic impact on small businesses. For the following reasons it has been determined that it will not: The rule allows continued operation of electronic crane machines used in a test period which were certified and in use; and licensed operators, for a period of one year, may continue to utilize these machines.

Hearing Location: Nendels, 2800 Pacific Avenue, Everett, WA 98201, on February 9, 1990, at 10:00 a.m.

Submit Written Comments to: Washington State Gambling Commission, 4511 Woodview Drive S.E., Lacey, WA 98504-8121, by February 9, 1990.

Date of Intended Adoption: February 9, 1990.

December 11, 1989 Frank L. Miller Deputy Director

NEW SECTION

WAC 230-20-698 ELECTRONIC CRANE AMUSEMENT GAMES - SPECIAL AUTHORIZATION. Electronic crane games that were certified for play in Washington under the provisions of WAC 230-20-699 are authorized to be operated in the locations specified in WAC 230-20-680 until December 31, 1990. Locations and operators must be licensed as set forth in WAC 230-04-190 and WAC 230-04-201.

WSR 90-01-022 WITHDRAWAL OF PROPOSED RULES DEPARTMENT OF REVENUE

[Filed December 11, 1989, 4:24 p.m.]

The Department of Revenue hereby requests that new sections WAC 458-19-005, 458-19-045, 458-19-050, 458-19-055, 458-19-060, 458-19-095, 458-19-100, 458-19-105 and 458-19-110, filed on September 6, 1989, under WSR 89-18-092 be withdrawn in accordance with RCW 34.05.335.

William N. Rice Assistant Director Property Tax Division

WSR 90-01-023 EMERGENCY RULES DEPARTMENT OF REVENUE

[Filed December 11, 1989, 4:25 p.m.]

Date of Adoption: December 11, 1989.

Purpose: To provide assessors with guidance in the setting of levies.

Statutory Authority for Adoption: RCW 84.08.010 and 84.52.0502.

Pursuant to RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: Levies are to be set by December 15th.

Effective Date of Rule: Immediately.

December 11, 1989 William N. Rice Assistant Director

NEW SECTION

WAC 458-19-005 DEFINITIONS. (1) "Annexation" means the process of adding land area to an existing taxing district.

- (2) "Assessed value" means the value placed on the assessment rolls.
- (3) "Assessor" means the county assessor or any person authorized to act on behalf of the assessor.
- (4) "Authorized levy rate" means the statutory levy rate of a taxing district unless the district requests a lesser levy or the district's rate is reduced below the district's statutory rate by operation of the one hundred percent limitation, in which case the lesser amount becomes the authorized levy rate.
- (5) "Cumulative regular levy rate" means the sum of the individual taxing districts' regular levy rates in a tax code area which are subject to the five dollars and fifty five cent limitation of RCW 84.52.043.
- (6) "Consolidation" means merging two or more taxing districts into one taxing district.
 - (7) "Department" means the department of revenue.
- (8) "Improvements to property" means an increase in the value of property resulting from:
 - (a) the addition of a new structure to the land;
 - (b) an alteration of the land;
 - (c) an alteration of existing structures.
- (9) "Junior taxing district", means a taxing district other than the state, county, county road, city or town.
- (10) "Levy rate" means a property tax rate expressed in terms of dollars and cents per one thousand dollars of assessed value.

- (11) "Local rate" means the state school levy rate as levied by each county.
- (12) "New construction", means improvements to property added in the current year.
- (13) "One hundred six percent limit" means the limitation placed on the regular levy of a taxing district pursuant to chapter 84.55.010 RCW.
- (14) "One percent limit" means the property tax limit established in article seven, section two of the washington state constitution.
- (15) "Payback" means payments made by a taxing district to another taxing district pursuant to RCW 84.52.0501.
- (16) "Preferred junior taxing districts" means the fire protection, library, metropolitan park, and public hospital districts.
- (17) "Proportionate share", means the percentage of any reduced levy amount which a taxing district pays to another taxing district.
- (18) "Reduced amount" means the amount of levy rate a taxing district surrenders to allow another taxing district to reach its authorized rate.
- (19) "Regular levy" means a property tax levy subject to the one percent limit.
- (20) "Senior taxing districts" means the state, the county, county road, and a city or town.
- (21) "Statutory levy rate" means the maximum levy rate authorized for an individual taxing district by statute without voter approval.
- (22) "Tax code area" means the unique area created by the overlap of two or more taxing districts.
- (23) "Taxing district" means any governmental entity with statutory authority to levy, or to have levied for it, a property tax.

Reviser's note: The typographical error in the above section occurred in the copy filed by the agency and appears in the Register pursuant to the requirements of RCW 34.08.040.

NEW SECTION

WAC 458-19-045 ONE HUNDRED SIX PER-CENT LIMITATION - EFFECT ON DISTRICT STATUTORY RATES. (1) Voter approval to exceed the one hundred six percent limitation does not increase the statutory levy rates for individual districts.

(2) The increased levy rate shall establish a new levy limit base for subsequent years.

NEW SECTION

WAC 458-19-060 ONE HUNDRED SIX PERCENT LEVY LIMIT—PRORATION OF EARMARKED FUNDS. (1) Cities and counties may reduce the levy rates for the fireman's pension fund authorized by RCW 41.16.060, the veteran's relief fund authorized by RCW 73.08.080, and the mental health and retardation fund authorized by RCW 71.20.110 within their regular levy in the same proportion as their general levy is reduced by the one hundred six percent levy limit.

(2) Proration of these levy rates will be made only when the city or county levies are impacted by the one hundred six percent limit. If the city or county voluntarily reduces its regular levy below that permitted under

the one hundred six percent limit, there shall be no reduction in an earmarked levy.

NEW SECTION

WAC 458-19-095 VOTER AUTHORIZED IN-CREASE IN THE CUMULATIVE REGULAR LEVY RATE. (1) If two or more districts in the same tax code area obtain voter approval for the thirty five cents authorized by RCW 84.52.100, the thirty five cents is to be distributed prorata according to the ratio established by the authorized levy rates for those districts.

(2) Only those districts which have received voter approval to exceed the five dollar and fifty five cent cumulative limitation of RCW 84.52.043 may share in the available thirty five cents authorized under RCW 84.52.100.

NEW SECTION

WAC 458-19-100 PROCEDURE TO BRING THE CUMULATIVE REGULAR LEVY RATE OF EACH TAX CODE AREA WITHIN STATUTORY LIMITATIONS. (1) The calculation of final levy rates is accomplished as follows:

(a) step one: list the authorized levy rate for each taxing district in the county as determined by the interplay of each district's statutory levy rate and the one hundred six percent limit.

[Note: The following examples presume that only hospital district 1 and the library district received voter approval for an additional thirty five cents of levy rate.]

EXAMPLE:

District	TCAI	TCA5	TCA10	TCA 15	TCA25	TCA26	TCA30
County	1.80	1.80	1.80	1.80	1.80	1.80	1.80
Road					2.25	2.25	2.25
City 1	3.60						
City 2		3.212					
City 3			3.10				
City 4				3.10			
Library			.50	.50	.50	.50	.50
	.75	.75	.75		.75	.75	
Hospital 2				.75			-
Fire 1						1.50	
Fire 2							1.50
Totals	6.15	5.762	6.15	6.15	5.30	6.80	6.05

(b) step two: total the individual district's levy rates in each tax code area. Bring each tax code area in compliance with the five dollar and fifty five cent limit by eliminating or reducing district levy rates according to the priorities established in RCW 84.52.010(2). If proration among any class of district is required, the districts within that class shall share the reduction prorata based on their authorized rates. The authorized rate for fire districts in such cases shall be no more than fifty cents.

EXAMPLE:

District	TCAI	TCA5	TCAI	OTCA I	5 TCA 2.	5 TCA 2	6 TCA30
County	1.80	1.80	1.80	1.80	1.80	1.80	1.80
Road					2.25	2.25	2.25
City 1	3.60						
City 2		3.212					
City 3			3.10				
City 4				3.10			
Library			.26	.26	.50	.43	.50
Hospital 1	.15	.538	.39		.75	.64	
Hospital 2				.39			
Fire 1						.43	
Fire 2							1.00
Totals	5.55	5.55	5.55	5.55	5.30	5.55	5.55

(c) step three: adjust the rates in all tax code areas so that rates are uniform. The lowest rate of a taxing district in a tax code area shall be the rate applied in all tax code areas.

EXAMPLE:

District	TCAI	TCA5	TCAIC	TCA15	TCA25	TCA26	TCA30
County	1.80	1.80	1.80	1.80	1.80	1.80	1.80
Road					2.25	2.25	2.25
City 1	3.60						
City 2		3.212					
City 3			3.10				
City 4				3.10			
Library			.26	.26	.26	.26	.26
Hospital 1	.15	.15	.15		.15	.15	
Hospital 2				.39			
Fire 1						.43	
Fire 2							1.00
Totals	5.55	5.162	5.31	5.55	4.46	4.89	5.31

(d) step four: increase the rate of any district up to its maximum rate while maintaining uniformity throughout all tax code areas. The maximum rate is determined by the district's authorized rate and the five dollar and fifty five cent limitation. Increases shall be made in reverse order of the reductions made under RCW 84.52.010.

EXAMPLE:

District	TCAI	TCA5	TCA10	TCA15	TCA25	TCA26	TCA30
County	1.80	1.80	1.80	1.80	1.80	1.80	1.80
Road					2.25	2.25	2.25
City 1	3.60						
City 2		3.212					
City 3			3.10				
City 4				3.10			
Library			.26	.26	.26		.26
Hospital 1	.15	.15	.15		.15	.15	
Hospital 2				.39			
Fire 1						1.09	
Fire 2							1.24
Totals	5.55	5.162	5.31	5.55	4.46	5.55	5.55

(e) step five: apply, by tax code area, the additional thirty five cents available under RCW 84.52.100, giving benefit only to those districts receiving voter authorization. If the amount required to restore those districts to

their authorized rate exceeds thirty five cents as a result of two or more taxing districts receiving voter approval, then those districts will share the available amount prorata based on their authorized rates. The maximum levy rate a fire district can have with the additional thirty five cents is fifty cents.

EXAMPLE:

District	TCAI	TCA5	TCAI	TCAL	TCA25	TCA26	TCA30
County	1.80	1.80	1.80	1.80	1.80	1.80	1.80
Road					2.25	2.25	2.25
City 1	3.60						
City 2		3.212					
City 3			3.10				
City 4				3.10			
Library			.40	.50	.40	.40	.50
Hospital 1	.50	.50	.36		.36	.36	
Hospital 2				.39			
Fire 1						1.09	
Fire 2							1.24
Totals	5.90	5.512	5.66	5.79	4.81	5.90	5.79

(f) step six: increase the rate of any taxing district up to its maximum allowable rate. The maximum allowable rate is determined by the district's authorized rate, the five dollar and fifty five cent limitation, and applicable levy rate increases under RCW 84.52.100. Preferred junior districts shall share any increase prorata based on a fraction, the denominator of which is the sum of the differences between the districts' authorized rates and their current rates, and the numerator of which is the difference between each district's authorized rate and current rate. The authorized rate for fire districts in such cases shall be no more than fifty cents.

EXAMPLE:

In TCA1 we are already at the \$5.90 limit so no changes occur in TCA1. In TCA5, the hospital district is brought up to \$.75, bringing the cumulative rate in TCA5 to \$5.762. In TCA10, the hospital and library share the available \$.24 as follows: library \$.75 - \$.36 = \$.39. Hospital \$.50 - \$.40 = \$.10. \$.30 + \$.10 = \$.40. Thus the hospital's share is $39/49 \times \$.24$ and the library's share in $10/49 \times \$.24$. In TCA15, no changes occur. In TCA25, there is no need to prorate between the library and hospital so each is brought up to its authorized rate. In TCA26 we are already at the \$5.90 limit so no changes occur in TCA26. In TCA30, no changes occur because the library is at its authorized rate and the fire district did not receive voter approval for an increase, thus the cumulative limit stays at \$5.79.

District	TCA I	TCA5	TCA10	TCA 15	TCA25	TCA26	TCA30
County Road	1.80	1.80	1.80		1.80 2.25	1.80 2.25	1.80 2.25
City 1 City 2	3.60	3.212					
City 3 City 4			3.10	3.10			
Library Hospital 1	.50		.449	.50		.40 .36	.50

District	TCAl	TCA5	TCAI	TCA15	TCA25	TCA2	TCA30)
Hospital 2				. 39				
Fire 1						1.09		
Fire 2							1.24	
Totals	5.90	5.762	5.90	5.79	5.30	5.90	5.79	

(g) step seven: Increase the levy rate of preferred junior districts up to their authorized levy rate by reducing the district with the smallest assessed value, Provided, That: if the only district which is below its authorized levy rate is also the smallest assessed value district, no paybacks occur. If only one district receives a benefit from the smallest assessed value district, that district will pay a one hundred percent proportionate share of the reduced amount, unless the smallest assessed value district is a city which is annexed by a fire or hospital district, in which case the payback is ninety percent of the amount received. If more than one district receives a benefit from the smallest assessed value district, the proportionate share which the receiving districts pay back to the reducing district will be equal to the proportion of the rate by which those districts would have been reduced. The total amount paid back will equal one hundred percent of the amount received, unless the reducing district is a city which is annexed by a fire or hospital district, in which case the total amount paid back shall be ninety percent of the amount received. No paybacks shall be made to a fire district whose levy rate is above fifty cents.

EXAMPLE:

District	TCA I	TCA5	TCAI	TCA 15	TCA2	TCA2	5 TCA 30
County	1.80	1.80	1.80	1.80	1.80	1.80	1.80
Road					2.25	2.25	2.25
City 1	3.35						
City 2		3.212					
City 3			2.85				
City 4				2.74			
Library			.50	.50	.50	.50	.50
Hospital 1	.75	.75	.75		.75	.75	
Hospital 2				.75			
Fire 1						.60	
Fire 2							1.24
Totals	5.90	5.762	5.90	5.79	5.30	5.90	5.79

Reviser's note: The brackets and enclosed material in the text of the above section occurred in the copy filed by the agency and appear in the Register pursuant to the requirements of RCW 34.08.040.

Reviser's note: The typographical error in the above section occurred in the copy filed by the agency and appears in the Register pursuant to the requirements of RCW 34.08.040.

NEW SECTION

WAC 458-19-110 CITY ANNEXED BY FIRE PROTECTION AND/OR LIBRARY DISTRICTS. (1) When a city or town is annexed to a fire protection or a library district, that city or town is entitled to levy up to three dollars and sixty cents per thousand dollars assessed value less the levy made by the fire protection and/or library district. The assessor shall calculate the initial city or town levy as follows:

- (a) Calculate the one hundred six percent limit and rate for the fire protection and/or library district, excluding the assessed value of the annexed city or town; then
- (b) Subtract the fire protection and/or library district levy rate from the city or town statutory rate of three dollars and sixty cents. The resulting rate will become the maximum levy rate for the city or town even if the fire protection and/or library district rate is later reduced as a result of prorationing pursuant to RCW 84.52.010.
- (2) Calculate the one hundred six percent levy limit for cities and towns independent of the calculations performed in subsection (1).

WSR 90-01-024 NOTICE OF PUBLIC MEETINGS GRAYS HARBOR COLLEGE

[Memorandum—December 8, 1989]

In compliance with RCW 42.30.075, the 1990 regular meeting dates of the board of trustees of Grays Harbor College. All regularly scheduled meetings of the board will be at 8:00 p.m. in the boardroom of the Administration Building of the college.

The 1990 meeting dates are:

January 15, 1990 March 19, 1990 May 21, 1990 September 17, 1990 November 19, 1990

WSR 90-01-025 PROPOSED RULES DEPARTMENT OF HEALTH (Hearing Aid Council)

[Filed December 12, 1989, 10:36 a.m.]

Original Notice.

Title of Rule: WAC 308-50-295 Defamation of competitors; and 308-50-310 Personal disclosure.

Purpose: To adopt amendatory rules relating to hearing aid fitter/dispensers.

Statutory Authority for Adoption: RCW 18.35.161. Statute Being Implemented: Chapter 18.35 RCW.

Summary: WAC 308-50-295, to more fully describe unethical methods of competition; and WAC 308-50-310, to instruct licensees to include specific information on direct mail or other advertising initiated by the

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Barbara Hayes, 1300 Quince Street, Olympia, WA 98504, (206) 753–1817.

Name of Proponent: Hearing Aid Council, governmental.

Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: The amending of WAC 308-50-295 adds an unfair practice to the existing description and will warn licensees of unethical conduct in methods of competition in the hearing aid fitting and dispensing business; and WAC 308-50-310 adds the location of the licensees' principle establishment to required disclosure and adds direct mail or other advertising to the requirement for personal disclosure. This will effect better protection for consumers.

Proposal Changes the Following Existing Rules: WAC 308-50-295 adds an unfair practice to the existing description and will warn licensees of unethical conduct in methods of competition; and WAC 308-50-310 adds the location of the licensee's principle establishment to required disclosure and adds direct mail or other advertising to the requirement for personal disclosure.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

Hearing Location: West Coast Sea-Tac Hotel, Cascade Room, 18220 Pacific Highway South, Seattle, WA, on February 13, 1990, at 10:30 a.m.

Submit Written Comments to: Barbara A. Hayes, Program Manager, Professional Licensing Services, EY-17, P.O. Box 1099, Olympia, Washington 98507-1099, by February 13, 1990.

Date of Intended Adoption: February 13, 1990.

December 4, 1989 Ralph G. Lenhard Chairman

AMENDATORY SECTION (Amending Order PL 469, filed 7/3/84)

WAC 308-50-295 UNFAIR OR DECEPTIVE PRACTICES, UNETHICAL CONDUCT AND UNFAIR METHODS OF COMPETITION—DEFAMATION OF COMPETITIONS OR FALSE DISPARAGEMENT OF THEIR PRODUCTS. (1) It is an unfair trade practice to defame competitors by falsely imputing to them dishonorable conduct, inability to perform contracts, questionable credit standing, or by other false representations, or falsely to disparage the products of competitors in any respect, or their testing procedures, testing equipment, business methods, selling prices, values, credit terms, policies, or services, or to knowingly intervene in any way with any contractual agreement between a competitor and his/her hearing aid purchaser, or to try to influence the purchaser to cancel the contract, or to attempt to induce the purchaser to cancel the contract by offering a lower price or by any other act of intervention.

(Note: The use of "bait" or "blind" advertisements as a means of accomplishing such defamation or false disparagement is deemed to be within the prohibitions of this rule.)

- (2) Under this rule, it is an unfair trade practice for an industry member:
- (a) To display competitive products in his show window, shop, or in his advertising in such manner as falsely to disparage them; or
- (b) To represent falsely that competitors are unreliable but that the disparager is not; or
- (c) To quote prices of competitive hearing aids or devices without disclosing that they are not the present current prices, or to shown, demonstrate, or represent competitive models as being the current models when such is not the fact.

AMENDATORY SECTION (Amending Order PL 563, filed 11/19/85)

WAC 308-50-310 PERSONAL DISCLOSURE. A licensee who contacts a prospective purchaser away from the licensee's place of business must:

(1) When the contact is in person, present the prospective purchaser with written notice of:

- (a) His or her name, the name of his or her business firm, his or her business address and telephone number;
 - (b) The number of his or her license.
- (2) Telephone contact with prospective purchasers must disclose the name of the licensee, name and location of his or her ((business firm)) principal establishment and purpose of call.
- (3) When the contact is through a direct mail piece or other advertising initiated by the licensee, clearly show on all promotional items the business/establishment name, the principal establishment address and telephone number, not just the address or telephone number where he/she will be on given days.

(4) A principal establishment is one which is bonded pursuant to RCW 18.35.240.

WSR 90-01-026 PROPOSED RULES COUNTY ROAD ADMINISTRATION BOARD

[Filed December 12, 1989, 11:30 a.m.]

Original Notice.

Title of Rule: Chapter 136-01 WAC, Standard of good practice—Organization of.

Purpose: Changes all references to "county commissioners" to "county legislative authority"; minor editorial changes; and repeals WAC 136-01-040 concerning correspondence.

Other Identifying Information: This is an amendment to existing rule and repeal of one section.

Statutory Authority for Adoption: RCW 36.78.070.

Summary: Proposed amendment changes all references to "county commissioners" to "county legislative authority"; and repeals section concerning address for correspondence.

Reasons Supporting Proposal: The implementation of charter form of government in several counties has made term "county legislative authority" more correct than just "county commissioners"; and the agency address in WAC 136-01-040 is incorrect, suitable other references and directories to obtain the current agency address are sufficient for those wishing to correspond.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Ernest Geissler, County Road Administration Board, 753-5989.

Name of Proponent: County Road Administration Board, governmental.

Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: Reference change from "Board of County Commissioners" to "legislative authority" will have no impacts other than correcting the language of the WAC. The repealing of the correspondence address in the WAC should not inconvenience potential correspondents as most noncounty inquiries are by telephone. The current address is printed in several listings and directories in common use.

Proposal Changes the Following Existing Rules: Same as above.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

Hearing Location: County Road Administration Board, 2404 Chandler Court S.W., Olympia, WA 98504, on January 25, 1990, at 1:00 p.m. Submit Written Comments to: County Road Administration Board, 2404 Chandler Court S.W., Olympia, WA 98504, by January 23, 1990.

Date of Intended Adoption: January 25, 1990.

December 11, 1989 Ernest Geissler Director

AMENDATORY SECTION (Amending Order 9, filed 10/22/68)

WAC 136-01-010 PURPOSE. The county road administration board is a nine member board, organized under the provision of RCW 36.78.010 through 36.78.110 and 46.68.120 (((chapter 120, Laws of 1965 ex. sess.);)) for the purpose of establishing and administering standards of good practice for county road administration within the several counties of the state. The nine members of the board shall be appointed by the executive committee of the Washington state association of ((county commissioners)) counties, and the composition of the board shall be six ((county commissioners)) members of county legislative authorities and three county engineers: PROVIDED, That three members of the board shall be from Class AA, Class A, or 1st class counties, four members shall be from counties of the 2nd, 3rd, 4th or 5th class and two members shall be from counties of the following classes: 6th, 7th, 8th, or 9th class: PROVIDED FURTHER, That not more than one member of the board shall be from any one county.

AMENDATORY SECTION (Amending Order 9, filed 10/22/68)

WAC 136-01-030 MEETINGS. Regular public meetings of the county road administration board shall be held quarterly at the call of the chairman and the annual meeting ((of the board)) shall be held during the first week in July of each year. Each such meeting shall be held at the offices of the county road administration board in Olympia, Washington, or at such other place in the state of Washington as designated by the board. Additional public meetings necessary to discharge the business of the board may be called from time to time by the chairman.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 136-01-040 CORRESPONDENCE.

WSR 90-01-027 PROPOSED RULES COUNTY ROAD ADMINISTRATION BOARD

[Filed December 12, 1989, 11:31 a.m.]

Original Notice.

Title of Rule: Chapter 136-04 WAC, Annual certification.

Purpose: Changes all references to "county commissioners" to "county legislative authority"; and revises internal processing timetable.

Other Identifying Information: This is an amendment to existing rule.

Statutory Authority for Adoption: RCW 36.78.070.

Summary: Proposed amendment changes all references to "county commissioners" to "county legislative authority"; and revises internal processing schedule from specific dates to actual meeting dates.

Reasons Supporting Proposal: The implementation of charter form of government in several counties has made term "county legislative authority" more correct than just "county commissioners"; and the quarterly board meetings are not rigorously standardized each year and

will frequently vary somewhat depending on related association of counties meetings thus procedural actions are based on actual meeting dates rather than calendar dates.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Ernest Geissler, County Road Administration Board, 753-5989.

Name of Proponent: County Road Administration Board, governmental.

Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: Reference change from "Board of County Commissioners" to "legislative authority" will have no impacts other than correcting the language of the WAC. The internal procedural timetables will have no effect on recipient counties.

Proposal Changes the Following Existing Rules: Same as above.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

Hearing Location: County Road Administration Board, 2404 Chandler Court S.W., Olympia, WA 98504, on January 25, 1990, at 1:00 p.m.

Submit Written Comments to: County Road Administration Board, 2404 Chandler Court S.W., Olympia, WA 98504, by January 23, 1990.

Date of Intended Adoption: January 25, 1990.

December 11, 1989 Ernest Geissler Director

AMENDATORY SECTION (Amending Order 24, filed 10/31/74)

WAC 136-04-020 INQUIRY BY THE BOARD. The county road administration engineer shall formulate a questionnaire for use by the counties designed to demonstrate to the board their level of compliance with pertinent laws and regulations. The proposed questionnaire shall be reviewed and approved by the board at its ((January)) first meeting of each calendar year and may be revised and modified from year to year to reflect changes in statutory and regulatory requirements. The approved questionnaire shall be distributed to all counties no later than ((January 31 each year)) fifteen days after said meeting.

AMENDATORY SECTION (Amending Order 65, filed 5/12/87)

WAC 136-04-030 RESPONSE BY THE COUNTY. ((The)) Each county engineer shall complete the questionnaire, certify as to its accuracy, have it approved by the ((chairman of the board of county commissioners)) county legislative authority or the county executive, and shall return it to the board no later than April 10.

AMENDATORY SECTION (Amending Order 24, filed 10/31/74)

WAC 136-04-040 REVIEW BY THE BOARD. The county road administration engineer shall receive the completed questionnaires and prepare a report for the board regarding the level of each county's compliance with pertinent laws and regulations. The board shall review the engineer's report at its second regular meeting ((in April)) of each calendar year.

AMENDATORY SECTION (Amending Order 31, filed 12/16/77)

WAC 136-04-060 CONDITIONAL CERTIFICATE OF GOOD PRACTICE. Whenever the board finds that a county has failed to be in reasonable compliance with provisions of law or standards of good practice, the board may transmit to the state treasurer on behalf of such county a conditional certificate, in the manner provided in WAC 136-04-080 and 136-04-090. Any such conditional certificate shall be issued subject to terms and conditions as deemed by

the board to be appropriate, and will authorize continued distribution to such county of all or a designated portion of its share of motor vehicle fuel taxes. A copy of such conditional certificate shall be sent to the ((board of county commissioners)) legislative authority of the county on whose behalf it was issued. One of the conditions of such conditional certificate shall be a review by the board at a subsequent meeting of the situation which caused its issuance.

AMENDATORY SECTION (Amending Order 31, filed 12/16/77)

WAC 136-04-080 NOTICE OF PENDING REVOCATION OR SUBSTITUTION. The board shall not consider revocation of a certificate or substitution of a conditional certificate or adverse modification of a conditional certificate for any county unless written notice of hearing thereon shall have been given to the ((chairman of the board of county commissioners)) legislative authority or county executive at least two weeks prior to the board meeting at which such revocation, substitution or modification is to be considered. Such notice shall include an invitation for representation by the county at such hearing.

AMENDATORY SECTION (Amending Order 31, filed 12/16/77)

WAC 136-04-090 HEARING ON REVOCATION OR SUB-STITUTION. At the time appointed for the hearing, the board shall receive a report from the county road administration engineer detailing those laws or regulations with which the county is not in reasonable compliance, or those terms and conditions of the conditional certificate which the county has failed to meet. The board shall provide opportunity for presentation of written and/or oral testimony on behalf of the county and may thereupon (a) continue or modify a conditional certificate (b) substitute a conditional certificate for a certificate or (c) revoke either the certificate or conditional certificate ((cancel such certificate)).

AMENDATORY SECTION (Amending Order 31, filed 12/16/77)

WAC 136-04-100 REVOCATION OF CERTIFICATE. Upon revocation of a certificate or a conditional certificate by the board, notice thereof shall be given to the state treasurer and to the ((board of county commissioners)) legislative authority or county executive of the affected county. If any certificate is revoked without a conditional certificate being substituted therefore, the board shall review the affected county's(ies') compliance with pertinent laws and regulations at each subsequent regularly scheduled board meeting until such time as the board finds that the county has reasonably complied or is diligently attempting to comply with such laws and regulations.

WSR 90-01-028 PROPOSED RULES COUNTY ROAD ADMINISTRATION BOARD

[Filed December 12, 1989, 11:32 a.m.]

Original Notice.

Title of Rule: Chapter 136-10 WAC, Duties of county road engineer—Legislative authority.

Purpose: Changes all references to "county commissioners" to "county legislative authority"; and adds requirement of a written policy regarding accommodation of utilities on county road rights of way.

Other Identifying Information: This is an amendment to existing rule.

Statutory Authority for Adoption: RCW 36.78.070.

Summary: Proposed amendment changes all references to "county commissioners" to "county legislative authority"; and adds requirement for each county to adopt an accommodation of utilities on county road rights—of—way policy.

Reasons Supporting Proposal: The implementation of charter form of government in several counties has made

term "county legislative authority" more correct than just "county commissioners"; and importance of specific procedural guidance and standards for utility accommodation has made formal written policies for all counties more important than in past.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Ernest Geissler, County Road Administration Board, 753-5989.

Name of Proponent: County Road Administration Board, governmental.

Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: Reference change from "Board of County Commissioners" to "county legislative authority" will have no impacts other than correcting the language of the WAC. The addition of the policy requirement for accommodation of utilities on county road right of way will require all counties to review (and possibly amend) their existing policies for compliance and some counties to create and adopt a formal policy.

Proposal Changes the Following Existing Rules: Same as above.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

Hearing Location: County Road Administration Board, 2404 Chandler Court S.W., Olympia, WA 98504, on January 25, 1990, at 1:00 p.m.

Submit Written Comments to: County Road Administration Board, 2404 Chandler Court S.W., Olympia, WA 98504, by January 23, 1990.

Date of Intended Adoption: January 25, 1990.

December 11, 1989 Ernest Geissler Director

AMENDATORY SECTION (Amending Order 6, filed 6/12/68)

WAC 136-10-010 PURPOSE. The laws of the state of Washington have established the powers and duties of the county ((commissioners)) legislative authority in relation to roads and bridges, and the qualifications and duties of the county road engineer. Their purpose is to designate the county road engineer as the chief administrative officer of the county road department. The formal relationship between the ((board of county commissioners)) legislative authority and its county road engineer must be adequately defined to assure an efficient and productive road department operation.

AMENDATORY SECTION (Amending Order 6, filed 6/12/68)

WAC 136-10-020 DUTIES OF ((COMMISSIONERS)) COUNTY LEGISLATIVE AUTHORITY. Certain specific powers and duties are set forth in RCW 36.75.040, 36.75.050, 36.80.010, 36.81.121 and 36.81.130. In addition to specific statutory duties the ((commissioners, in their legislative and management capacity,)) legislative authority shall have the duty to develop written policies regarding county road department operation for the information and guidance of the engineer.

AMENDATORY SECTION (Amending Order 6, filed 6/12/68)

WAC 136-10-030 DUTIES OF THE COUNTY ROAD ENGINEER. The various duties and responsibilities of the engineer are set forth in chapter 36.80 RCW. In addition to these specifically defined duties the engineer shall be guided by written policies regarding county road department operation as promulgated by the ((board of county commissioners)) county legislative authority.

AMENDATORY SECTION (Amending Order 6, filed 6/12/68)

WAC 136-10-040 ORGANIZATION OF COUNTY ROAD DEPARTMENT. ((In order to implement various statutory requirements the county road engineer shall be recognized as the chief administrative officer of the county road department, responsible to the board of county commissioners for its entire operation.)) It shall be ((his)) the county road engineer's duty to organize the road department in accordance with ((board)) policy of the county legislative authority into such departments, divisions, districts or units as may be horecessary to meet statutory requirements and to perform such additional services as may be directed by policy of the ((board)) legislative authority.

AMENDATORY SECTION (Amending Order 33, filed 1/3/79)

WAC 136-10-050 WRITTEN POLICY. In order to implement the requirements of this chapter, the county legislative authority shall develop and by resolution adopt written policy covering any matters relating to road department operation as they may see fit. Certain specific matters enumerated herein must be covered by such policy(([-],])) to wit:

- (1) Policy regarding organization. A chart or pictorial representation showing in detail the interrelationship of all positions in the road department from the ((board of county commissioners down)) county legislative authority through all employees. The chart shall clearly show the complete line of command throughout the entire organization. Copies of such chart shall be prominently posted in the office of the county road engineer and road department shops in such a manner that it will be readily available to all road department employees and the general public.
- (2) Policy regarding personnel practices. A complete written statement of all policy relating to the personnel of the road department including but not limited to recruitment, appointment, promotion, dismissal, hours of work, overtime, annual leave, sick leave, military leave, holidays, classification, union relationship where applicable, and general work rules. Copies of such statement shall be prominently posted in the office of the county road engineer and road department shops in such a manner that it will be readily available to all road department employees and prospective employees.
- (3) Policy regarding handling of complaints. A written statement setting forth a method by which complaints from the general public related to any road department activity will be handled. The purpose is to assure that each county will have an orderly procedure to assure that citizen complaints receive prompt attention.
- (4) Policy regarding approval of work for other public agencies and county departments(([.])). A written statement to supplement chapter 136-32 WAC including but not limited to the following:
- (a) Statement of intent indicating whether or not the ((board)) legislative authority will accept requests for work for other public agencies or other county departments.
- (b) Statement indicating procedures to be followed in processing such requests in accordance with statutes and chapter 136-32 WAC.
- (c) Statement indicating any delegation of authority in processing such requests.
- (5) Policy regarding accommodation of utilities on county road right of way. A written statement setting forth the county's administrative, procedural, and technical requirements regarding the installation, replacement, adjustment, relocation, and maintenance of all utilities in, on, or above the county road right of way.

AMENDATORY SECTION (Amending Order 10, filed 12/10/68)

WAC 136-10-060 FORWARDING OF WRITTEN POLICY. Each ((board of county commissioners)) county legislative authority shall submit to the office of the county road administration board one copy of each policy required in WAC 136-10-050, and any subsequent revisions thereto, adopted pursuant to this regulation. The county road administration board shall maintain a current file of all such adopted policies of all ((boards of county commissioners)) legislative authorities.

WSR 90-01-029 PROPOSED RULES COUNTY ROAD ADMINISTRATION BOARD

[Filed December 12, 1989, 11:32 a.m.]

Original Notice.

Title of Rule: Chapter 136-12 WAC, Standard of good practice—Vacancy in position of county road engineer.

Purpose: Changes all references to "county commissioners" to "county legislative authority"; removes sexspecific language; clarifies licensing requirements; and requires intercounty sharing of a road engineer to be in conformance with Interlocal Cooperation Act.

Other Identifying Information: This is an amendment to existing rule.

Statutory Authority for Adoption: RCW 36.78.070.

Summary: Proposed amendment changes all references to "county commissioners" to "county legislative authority"; also makes other miscellaneous corrections to language; and adds specificity to licensing requirements and adds reference to Intergovernmental Cooperation Act for intercounty sharing of a road engineer.

Reasons Supporting Proposal: The implementation of charter form of government in several counties has made term "county legislative authority" more correct than just "county commissioners"; and other language and reference changes serve to update the rule and make it consistent with other state statutes.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Ernest Geissler, County Road Administration Board, 753-5989.

Name of Proponent: County Road Administration Board, governmental.

Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: Reference change from "Board of County Commissioners" to "legislative authority" will have no impacts other than correcting the language of the WAC. All of the other changes are purely administrative or editorial and only reflect the application of current state statutes

Proposal Changes the Following Existing Rules: Same as above.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

Hearing Location: County Road Administration Board, 2404 Chandler Court S.W., Olympia, WA 98504, on January 25, 1990, at 1:00 p.m.

Submit Written Comments to: County Road Administration Board, 2404 Chandler Court S.W., Olympia, WA 98504, by January 23, 1990.

Date of Intended Adoption: January 25, 1990.

December 11, 1989 Ernest Geissler Director

AMENDATORY SECTION (Amending Order 13, filed 12/26/69)

WAC 136-12-010 PURPOSE. The laws of the state of Washington make detailed provisions in chapter 36.80 RCW, for the employment of a county road engineer in each county. This chapter

specifies that he shall be employed full time: PROVIDED, That in eighth and ninth class counties he may be employed on a part-time basis and may be the county engineer of another county; that he shall be a registered and licensed professional civil engineer under the laws of this state; that he shall have supervision, under the direction of the ((board)) county legislative authority, of all activities related to the county roads of the county, including maintenance; that he shall certify to the ((board)) legislative authority all bills with respect to county roads; that he shall keep complete public records of all road department activities; that he shall prepare plans and specifications for all construction work on the county road system. Since it is unavoidable that vacancies will occur from time to time in the position of county road engineer, the following policy has been formulated to cover an interim period.

AMENDATORY SECTION (Amending Regulation 1, filed 12/13/67)

WAC 136-12-020 PROCEDURE DURING VACANCY. When a vacancy occurs in the office of county road engineer due to ((the)) resignation, retirement ((or)), death ((of a county road engineer)) or for any other reason, the ((board of county commissioners)) legislative authority shall take immediate steps to find a replacement, either by promotion from within the organization if a competent and eligible ((man)) person is available, or by advertisement for, and interview of, ((interested)) qualified applicants. The ((chairman of the board county commissioners)) legislative authority or county executive shall immediately notify the county road administration board of the vacancy, and of the procedure ((the county board intends to follow)) to be followed during the period of vacancy.

AMENDATORY SECTION (Amending Order 25, filed 1/27/75)

WAC 136-12-030 ACTING COUNTY ENGINEER. (((++))) If for any reason, it is impossible ((for the board)) to employ a new county road engineer immediately, the ((board)) county legislative authority shall designate, by resolution, the assistant county road engineer, or other road department employee, as the acting county road engineer for an interim period, not to exceed six months, except as provided in WAC 136-12-060. A copy of such resolution shall be forwarded to the county road administration board.

(((2))) If the assistant county road engineer or other road department employee ((be)) is a Washington state licensed professional civil engineer and ((be)) is appointed as the acting county road engineer during the interim period, said acting county road engineer shall perform all the duties of the county road engineer as specified in chapter 36.80 RCW.

(((3))) If the acting county road engineer or other road employee is not a licensed professional civil engineer, the ((board)) legislative authority shall designate a licensed professional civil engineer to perform all engineering services during the interim period as required by chapter 18.43 RCW, and the acting county road engineer shall perform only those functions of the office not requiring a professional civil engineer's license.

AMENDATORY SECTION (Amending Regulation 1, filed 12/13/67)

WAC 136-12-060 FAILURE TO COMPLY WITH RULING. When the ((board of county-commissioners)) county legislative authority has made final arrangements for the employment of a new county road engineer meeting the requirements of chapter 36.80 RCW the county road administration board shall be notified accordingly. If no such notification is received within six months of the beginning of the vacancy, the matter of the vacancy will be considered at the next regular meeting of the county road administration board. The county road administration board may require that all day labor construction projects be shut down and/or that all distribution of gas tax funds to the county shall cease: PROVIDED HOWEVER, That ((the board)) it may grant reasonable extensions of the interim period in the event the affected county can give adequate proof ((to the board)) that a diligent effort has been made to secure the services of ((an)) a qualified engineer. If the vacancy continues to exist at the end of ((the)) an extended interim period, the suspension of funds and cessation of day labor projects shall become mandatory. The acting county road engineer shall continue to perform the duties of the county road engineer until such time as the vacancy is filled.

AMENDATORY SECTION (Amending Order 13, filed 12/26/69)

WAC 136-12-070 COUNTY ENGINEER IN EIGHTH AND NINTH CLASS COUNTIES. (((1))) When the ((board of county commissioners)) legislative authority of an eighth or ninth class county chooses to employ a county road engineer on a part-time basis the terms of such employment shall be set forth in a contract adopted by resolution of the ((board)) legislative authority. Such contract shall specify, but need not be limited to: Statement of legal responsibility, salary or wage arrangements, meetings with the ((board)) legislative authority, travel expenses((;)) and relationship with regular employees. A copy of such resolution and contract shall be forwarded to the office((s)) of the county road administration board.

(((2))) When the ((board)) legislative authority chooses to contract with another county for services such contract shall be approved by resolution of both ((boards)) legislative authorities. Such contract shall specify, but need not be limited to: Statement of legal responsibility, salary or wage arrangements, meetings with the ((board)) legislative authority, travel expenses((;)) and relationship with regular employees. A copy of the contract and both resolutions shall be forwarded to the office((s)) of the county road administration board. ((No board of county commissioners shall contract directly with a county engineer employed by another board:)) Any such contract shall be in accordance with the procedures of the Interlocal Cooperation Act, chapter 39.34 RCW.

AMENDATORY SECTION (Amending Order 13, filed 12/26/69)

WAC 136-12-080 ASSISTANT COUNTY ENGINEER IN EIGHTH AND NINTH CLASS COUNTIES. When a ((board of county commissioners)) legislative authority of an eighth or ninth class county chooses to employ a licensed professional civil engineer on a part-time basis or contract with another county for the services of its licensed professional civil engineer, it shall designate by resolution a full time employee as assistant county engineer. In such cases, the designated assistant county engineer shall perform the day to day supervision of the road department under the county engineer in accordance with policies established by the ((board)) legislative authority.

WSR 90-01-030 PROPOSED RULES COUNTY ROAD ADMINISTRATION BOARD

[Filed December 12, 1989, 11:33 a.m.]

Original Notice.

Title of Rule: Chapter 136-14 WAC, Standard of good practice—Priority programming.

Purpose: Changes all references to "county commissioners" to "county legislative authority"; amends "access road" to "local access road"; corrects UAB reference to Transportation Improvement Board; removes original submittal date for submittal of priority programming technique; and adds road inventory reference to chapter 136–60 WAC.

Other Identifying Information: This is an amendment to existing rule.

Statutory Authority for Adoption: RCW 36.78.070.

Summary: Proposed amendment changes all references to "county commissioners" to "county legislative authority"; and also makes other miscellaneous corrections to language and adds reference to chapter 136-60 WAC regarding road inventories.

Reasons Supporting Proposal: The implementation of charter form of government in several counties has made term "county legislative authority" more correct than just "county commissioners"; and other language and reference changes serve to update the rule and make it more readable.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Ernest Geissler, County Road Administration Board, 753-5989.

Name of Proponent: County Road Administration Board, governmental.

Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: Reference change from "Board of County Commissioners" to "legislative authority" will have no impacts other than correcting the language of the WAC. All of the other changes are purely administrative or editorial and only reflect current practices.

Proposal Changes the Following Existing Rules: Same as above.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

Hearing Location: County Road Administration Board, 2404 Chandler Court S.W., Olympia, WA 98504, on January 25, 1990, at 1:00 p.m.

Submit Written Comments to: County Road Administration Board, 2404 Chandler Court S.W., Olympia, WA 98504, by January 23, 1990.

Date of Intended Adoption: January 25, 1990.

December 11, 1989 Ernest Geissler Director

AMENDATORY SECTION (Amending Order 16, filed 7/22/71)

WAC 136-14-010 PURPOSE. The requirement to develop and adopt both long range and short range programs as a prerequisite to road construction ((has long been)) is established by law. Numerous studies have shown that road construction needs far exceed available revenue. Priority programming is the development and application of techniques designed to rank any array of potential projects in order of importance to serve as a guide in assisting a county ((commissioners)) legislative authority in the formulation of road programs. Priority programming procedures for counties ((much)) must be adaptable to a wide variety of situations.

AMENDATORY SECTION (Amending Order 16, filed 7/22/71)

WAC 136-14-020 APPLICATION. Priority programming techniques shall be applied in the ranking of all potential projects on the arterial road system of each county. They may be applied to all arterial projects combined in a single group, or may be applied to individual functional classes of arterials and further subdivided into rural and urban systems if desired. Priority programming will not be required, but is recommended, for the <u>local</u> access road system.

AMENDATORY SECTION (Amending Order 3388, filed 4/7/72)

WAC 136-14-030 TECHNIQUE. Each county engineer will be required to develop a priority programming technique tailored to meet the overall roadway system development policy determined by his ((board)) legislative authority. Items to be included and considered in the technique for roads shall include, but need not be limited to the following:

- (1) Traffic volumes;
- (2) Roadway condition;
- (3) Geometrics;
- (4) Matters of significant local importance.

The manner in which these various items are treated may vary from county to county. A number of acceptable priority programming techniques have been developed and may be used in whole or in part as a county technique.

Examples are:

(((+1))) 1. Advance road programs manual – National Association of County Engineers.

(((2))) 2. Administrative guide to priority programming for county roads – Automotive Safety Foundation, 1962.

(((3))) 3. Priority array for urban arterials - ((Urban Arterial Board 1968)) Transportation Improvement Board.

(((4+))) 4. A study of the road system of Benton County - WSU,

Bridge priorities shall be established in accordance with WAC 136–20–060. Accident records may be considered where their use will make a legitimate contribution. A description of the priority programming technique to be used shall be submitted by each county engineer to the county road administration board ((no later than April 1, 1972)).

AMENDATORY SECTION (Amending Order 25, filed 1/27/75)

WAC 136-14-040 APPLICATION OF TECHNIQUE. The technique for roads shall be applied by the county engineer to all potential arterial projects in the county, and to local access road projects if directed by the ((board of county commissioners)) legislative authority. The resulting priority array shall be updated not later than June 1 of each odd-numbered year and shall be consulted together with bridge priorities by the ((board of county commissioners)) legislative authority and county engineer during the preparation of the proposed six year program ((on which hearing is to be held prior to July 1 each year)).

AMENDATORY SECTION (Amending Order 25, filed 1/27/75)

WAC 136-14-050 CERTIFICATION. In order to assure that priority arrays were available and were consulted during the preparation of the proposed six year program each year, the resolution of adoption of such program by each ((board of county commissioners)) legislative authority shall include assurances to this effect. A copy of the adopting resolution shall be forwarded to the county road administration board together with the six year program.

AMENDATORY SECTION (Amending Order 16, filed 7/22/71)

WAC 136-14-060 INVENTORY RECORDS. Each priority programming technique will be based, at least in part, on existing road conditions. It is required, therefore, that in each county an adequate road inventory system be maintained. The inventory system shall be updated no later than ((March)) May 1 of each year to reflect work done and/or improvements made during the previous year, in accordance with requirements of chapter 136-60 WAC.

WSR 90-01-031 PROPOSED RULES COUNTY ROAD ADMINISTRATION BOARD

[Filed December 12, 1989, 11:34 a.m.]

Original Notice.

Title of Rule: Chapter 136-16 WAC, Procedures for the annual road programming for county road projects.

Purpose: Changes all references to "county commissioners" to "county legislative authority"; corrects RCW reference; and removes requirement for environmental and shorelines management permit analysis.

Other Identifying Information: This is an amendment to existing rule.

Statutory Authority for Adoption: RCW 36.78.070.

Summary: Proposed amendment changes all references to "county commissioners" to "county legislative authority"; corrects hearing RCW references from RCW 36.40.070 to 36.40.071; and deletes requirement for special evaluation of environmental impacts and shoreline management involvement.

Reasons Supporting Proposal: The implementation of charter form of government in several counties has made term "county legislative authority" more correct than

just "county commissioners"; and adequate environmental and shoreline management analysis is normally not possible at this stage of the development of a project.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Ernest Geissler, County Road Administration Board, 753-5989.

Name of Proponent: County Road Administration Board, governmental.

Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: Reference change from "Board of County Commissioners" to "legislative authority" will have no impacts other than correcting the language of the WAC. The elimination of the environmental and shoreline management analysis will reduce the preparation time of the annual road program.

Proposal Changes the Following Existing Rules: Same as above.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

Hearing Location: County Road Administration Board, 2404 Chandler Court S.W., Olympia, WA 98504, on January 25, 1990, at 1:00 p.m.

Submit Written Comments to: County Road Administration Board, 2404 Chandler Court S.W., Olympia, WA 98504, by January 23, 1990.

Date of Intended Adoption: January 25, 1990.

December 11, 1989 Ernest Geissler Director

AMENDATORY SECTION (Amending Order 29, filed 8/3/76)

WAC 136-16-010 SUBMISSION OF RECOMMENDED ANNUAL ROAD PROGRAM. The county engineer shall submit a recommended annual program to the ((board of county commissioners)) county legislative authority on the first meeting in July or at such other time as may be specified ((by the board)) pursuant to RCW ((36-40.070 which)) 36.40.071. The program shall include ((his)) recommendations for all construction projects and all equipment purchases for the ensuing year. The ((board)) legislative authority shall consider the recommended program((5)) and make any revisions deemed necessary((7, and with the assistance of the county engineer identify those projects requiring a shorelines management permit, and make any necessary environmental analysis in accordance with local rules or ordinances and regulations or CEP guidelines)).

AMENDATORY SECTION (Amending Order 29, filed 8/3/76)

WAC 136-16-018 ADOPTION OF ANNUAL PROGRAM. The ((board)) legislative authority shall adopt a final annual program at any time prior to the adoption of the budget.

AMENDATORY SECTION (Amending Order 40, filed 10/29/80)

WAC 136-16-022 DAY LABOR LIMIT. The statutory day labor limit shall be computed in the following manner:

- (1) When the sum of all construction costs is in excess of four million dollars the day labor limit is eight hundred thousand dollars or fifteen percent of said sum, whichever is greater.
- (2) When the sum of all construction costs is in excess of one million five hundred thousand dollars and less ((\final_{\text{than}}]\) than four million dollars the day labor limit is five hundred twenty five thousand dollars or twenty percent of said((\filef{than})) sum, whichever is greater.
- (3) When the sum of all construction costs is in excess of five hundred thousand dollars and less than one million five hundred thousand dollars the day labor limit is two hundred and fifty thousand dollars or thirty five percent of said sum, whichever is greater.
- (4) When the sum of all construction costs is less than five hundred thousand dollars the day labor limit shall be two hundred and fifty

thousand dollars, unless the legislative authority, by resolution, elects the alternate procedure. When such alternate procedure is chosen, an individual project limit of thirty-five thousand dollars shall apply, and each project shall be administered in accordance with chapter 136-18 WAC.

AMENDATORY SECTION (Amending Order 38, filed 7/22/80)

WAC 136-16-042 MODIFICATION OF PROGRAM. The adopted final program may not be changed((\{\frac{1}{1}}\))_2 revised or increased except by unanimous vote of the members of the legislative authority who are present when the vote is taken. Such modifications shall be by resolution of the legislative authority((\{\frac{1}{1}}\)) listing each ((\{\frac{1}{1}}\) changed, revised or added project. A copy of each such resolution shall be forwarded to the county road administration board ((\{\frac{1}{1}}\)) within thirty-days of its adoption.

AMENDATORY SECTION (Amending Order 38, filed 7/22/80)

WAC 136-16-050 ANNUAL CONSTRUCTION REPORT. At any time prior to April 1 of the year following the program year(([-])), the county engineer shall submit an annual construction report to the county road administration board(([-])). The construction report shall show actual expenditures for all construction work including construction engineering done during the previous budget year.

WSR 90-01-032 PROPOSED RULES COUNTY ROAD ADMINISTRATION BOARD

[Filed December 12, 1989, 11:35 a.m.]

Original Notice.

Title of Rule: Chapter 136-36 WAC, Standard of good practice—Rights of way acquisitions.

Purpose: Removes all County Road Administration Board special requirements regarding road right of way acquisition.

Other Identifying Information: This repeals an existing rule.

Statutory Authority for Adoption: RCW 36.78.070.

Summary: Removes all County Road Administration Board special requirements regarding road right of way acquisition.

Reasons Supporting Proposal: No guidance regarding right of way acquisition was generally available to counties when the original rule was codified in 1968. Since that time, revisions to the state statutes and resultant procedural guides developed by the WSDOT provide suitable direction to insure that right of ways are acquired in accordance with statute.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Ernest Geissler, County Road Administration Board, 753-5989.

Name of Proponent: County Road Administration Board, governmental.

Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: The repeal of this rule will have no effect on current practices concerning county road acquisition of rights of way. Existing statutes and other available procedural guidance are more than sufficient to insure all acquisitions are done in conformance with state law. Additional rules by CRAB are not necessary.

Proposal Changes the Following Existing Rules: Same as above.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

Hearing Location: County Road Administration Board, 2404 Chandler Court S.W., Olympia, WA 98504, on January 25, 1990, at 1:00 p.m.

Submit Written Comments to: County Road Administration Board, 2404 Chandler Court S.W., Olympia, WA 98504, by January 23, 1990.

Date of Intended Adoption: January 25, 1990.

December 11, 1989 Ernest Geissler Director

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 136-36-010 PURPOSE.

WAC 136-36-020 TYPE OF CONVEYANCE.

WAC 136-36-030 SUPPLEMENTAL AGREEMENT.

WAC 136-36-040 RECORDING AND FILING.

WSR 90-01-033 PROPOSED RULES COUNTY ROAD ADMINISTRATION BOARD

[Filed December 12, 1989, 11:36 a.m.]

Original Notice.

Title of Rule: Chapter 136-40 WAC, Regarding accommodation of utilities on county road right of way.

Purpose: Deletes entire existing chapter and replaces with entire new text.

Other Identifying Information: This is a deletion and replacement of an existing rule.

Statutory Authority for Adoption: RCW 36.78.070.

Summary: The current rule to be deleted provides an optional, detailed utility accommodation policy which has become outdated and is administratively incorrect. The new text provides for a required policy for each county and sets forth the minimum requirements for such a policy.

Reasons Supporting Proposal: Rather than provide a single, detailed policy for all counties, the new text provides general guidance for the contents of any county's policy.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Ernest Geissler, County Road Administration Board, 753-5989.

Name of Proponent: County Road Administration Board, governmental.

Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: The replacement rule provides for each county to formally adopt written policy concerning accommodation of utilities on county road right of way. Those counties with such a policy will need to review them (and change if necessary) for compliance with this new rule. Some counties will need to create a policy. The replacement rule also requires CRAB to provide a "model" policy to any requesting county. The effect is to ensure that all

counties have a written policy with minimum requirements.

Proposal Changes the Following Existing Rules: Same as above.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

Hearing Location: County Road Administration Board, 2404 Chandler Court S.W., Olympia, WA 98504, on January 25, 1990, at 1:00 p.m.

Submit Written Comments to: County Road Administration Board, 2404 Chandler Court S.W., Olympia, WA 98504, by January 23, 1990.

Date of Intended Adoption: January 25, 1990.

December 11, 1989 Ernest Geissler Director

AMENDATORY SECTION (Amending Order 18, filed 7/22/71)

WAC 136-40-010 PURPOSE. ((The department of transportation, Federal Highway Administration requires that all states and their local subdivisions develop and adopt a policy on accommodation of utilities on road rights of way which are part of the FAS system. Such a policy is a prerequisite to allocation of federal highway funds to county road projects. It is advisable that such a policy be made applicable to all county roads.

The policy contained herein has been approved by federal and state agencies as meeting all mandatory requirements. It may be adopted by reference. It will be applicable only in those counties where it is adopted by resolution of the board of county commissioners and only under conditions stated in said resolution.)) In order to effectively administer its authority to grant franchises on county roads as provided in chapter 36.55 RCW, and considering its overall responsibilities with regards to roads and bridges as provided in RCW 36.75.040 and 36.75.050, each county legislative authority shall adopt a policy to provide administrative, procedural, and technical guidance for the installation, replacement, adjustment, relocation, and maintenance of all above and below ground utilities located within all county road rights of way.

AMENDATORY SECTION (Amending Order 18, filed 7/22/71)

WAC 136-40-020 ((APPLICATION)) CONTENTS. ((This policy shall apply to all franchises and permits issued, pursuant to RCW 80.32.010, 80.36.040 and chapter 36.55 RCW, to all public and private utilities including but not limited to electric power, telephone, telegraph, water, gas, oil, petroleum products, steam, chemicals, sewage, drainage, irrigation and similar lines that are to be located, adjusted or relocated within the rights of way of county roads:

Nothing in this policy shall be construed as limiting the rights of the county to impose restrictions or requirements in addition to and/or deviations from those stated herein in any franchise or permit where the county deems it advisable to do so.)) Each adopted utility policy shall, at a minimum:

- (1) Address all public and private utilities which are installed, replaced, adjusted, relocated and/or maintained within the county road right of way, including but not limited to electric power, telephone, television, telegraph, communication, water, gas, all petroleum products, steam, chemicals, sewage, drainage, and irrigation;
- (2) Include general standards and requirements for the location, design, and each utility;
 - (3) Incorporate a written permit process for all covered utility work;
- (4) Include specific requirements for underground utilities which shall include location and alignment, depth of burial and cover, encasement, marking, appurtenances and related installation procedures;
- (5) Include specific requirements for above ground utilities which shall include location and alignment and vertical clearances;
- (6) Include specific requirements for all utilities which shall include aesthetic/scenic considerations, installations on roadway bridges and structures, site restoration and cleanup, traffic control and public safety, and both normal and emergency repairs.
- The county road administration board shall, upon request, provide any county a copy of a model utility accommodation policy. The model

policy will meet the minimum requirements of this chapter and may be amended as necessary to meet the specific needs of a county.

AMENDATORY SECTION (Amending Order 18, filed 7/22/71)

- WAC 136-40-030 ((DEFINITION OF TERMS)) ADOPTION AND SUBMITTAL. ((Unless otherwise stated, words and phrases used herein shall have the following meaning:
 - (1) Backfill replacement of soil around and over a buried facility.
- (2) Carrier pipe directly enclosing a transmitted fluid (liquid or gas).
 - (3) Casing a larger pipe enclosing a carrier:
 - (4) Coating material applied to or wrapped around a pipe.
- (5) Conduit or duct an enclosed tubular runway for protecting wires or cables.
- (6) Construction permit document required prior to construction of a facility on a right of way.
 - (7) Cover depth of top of pipe below grade of road or ditch.
- (8) Drain appurtenance to discharge accumulated liquid contaminants from easings or other enclosures.
 - (9) Encasement structural element surrounding a pipe.
- (10) Franchise occupancy and use document required for occupancy of road rights of way in accordance with chapters 36.55 and 80-
- (11) Gallery an underpass for two or more pipelines.
- (12) Grounded connected to earth or to some extended conducting body which serves as a ground instead of the earth.
- (13) Manhole an opening in an underground system into which workmen or others may enter for the purpose of making installations; inspections, repairs, connections, and tests:
 - (14) Normal crossing at a right angle to the road.
- (15) Overcrossing a grade separation where the subject road passes over an intersecting road or railroad.
- (16) Pipe a tubular product made as a production item for sale as
- (17) Pressure relative internal pressure in psig (pounds per square inch gage):
- (18) Private lines privately owned facilities which convey or transmit commodities but are devoted exclusively to the use of the owner.
- (19) Rest area a roadside area with parking facilities provided for motorists to stop and rest. It may include drinking water, toilets, tables and benches, telephones, information, and other facilities for travelers.
- (20) Restoration a general term denoting replacing, repairing or otherwise restoring the right of way to the same or equal conditions as before any change or construction thereon.
- (21) Right of way a general term denoting land, property, or interest therein, usually in a strip, acquired for or devoted to highway transportation purposes.
- (22) Road a general term denoting a street, road or public way including shoulders for purposes of vehicular travel.
- (23) Roadside a general term denoting the area adjoining the outer edge of the road.
- (24) Roadway structure the combination of subbase, base course, and surface course placed on a subgrade to support the traffic load and distribute it to the roadbed.
- (25) Slab, floating slab between but not contacting pipe or pavement.
- (26) Standard specifications for road and bridge construction the latest compilation of standard requirements for road and bridge construction issued by the Washington state highway commission and/or APWA
- (27) Traffic control those provisions necessary to safeguard the public during construction and maintenance activities.
 - (28) Trenched installed in a narrow open excavation.
- (29) True line and grade a line reasonably free from variation on both horizontal and vertical alignment.
- (30) Untrenched installed without breaking ground or pavement surface, such as by jacking or boring.
 - (31) Vent appurtenance to ventilate casings.
- (32) Viewpoint a roadside area provided for motorists to stop their vehicles beyond the shoulder, primarily for viewing the scenery in safety.)) Each county legislative authority shall formally adopt, no later than July 1, 1990, a policy regarding accommodation of utilities on county road rights of way that includes all the requirements enumerated in WAC 136-40-020. A copy of such policy shall be forwarded to the county road administration board by August 1, 1990.

AMENDATORY SECTION (Amending Order 18, filed 7/22/71)

WAC 136-40-040 ((GENERAL CONSIDERATIONS-LO-CATION)) EXISTING POLICIES. ((The county may restrict the number of utility service crossings. The utility companies shall make adequate studies to anticipate their present and future needs to determine if several crossings can be combined to make the use of a utility tunnel or bridge feasible:

Utility installations should be located to minimize need for later adjustment to accommodate future road improvements and to permit access for servicing such facilities with minimum interference to traffic.

In all cases, full consideration shall be given to aesthetics, sound engineering principles, and overall economic aspects.)) Counties with existing utility policies shall not be required to meet the requirements of WAC 136-40-030 unless the existing policy (1) has not been formally adopted by the county legislative authority, and/or (2) is not in substantial conformance with the content requirements of WAC 136-40-

NEW SECTION

WAC 136-40-050 UPDATES, AMENDMENTS, AND MODI-FICATIONS. Should any existing, adopted utility policy be updated, amended or otherwise modified, said action shall be formally accomplished by the county legislative authority. A copy of the officially adopted updated, amended, or modified policy shall be forwarded to the county road administration board within thirty days of such adoption.

NEW SECTION

WAC 136-40-060 CONFLICTS WITH STATE AND FEDER-AL REOUIREMENTS. Nothing in this section shall eliminate or modify any requirements, procedures, or authorities of the Washington state department of transportation, the Federal Highway Administration or any other state or federal agency.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 136-40-044 GENERAL CONSIDERATIONS-LOCA-TION STANDARDS.

WAC 136-40-048 GENERAL CONSIDERATIONS—ROAD PURPOSE UTILITIES.

WAC 136-40-052 GENERAL CONSIDERATIONS-AC-COMMODATION WHERE PRIOR RIGHT.

WAC 136-40-100 DESIGN OF FACILITIES-

RESPONSIBILITY.

WAC 136-40-104 DESIGN OF FACILITIES—PLANNING WAC 136-40-108 DESIGN OF FACILITIES—STANDARDS.

WAC 136-40-112 **DESIGN OF FACILITIES-**

APPEARANCE.

DESIGN OF FACILITIES—MATERIALS. WAC 136-40-116 DESIGN OF FACILITIES—POWER AND WAC 136-40-120 COMMUNICATION CODES.

WAC 136-40-124 DESIGN OF FACILITIES—WATER LINE CODES.

WAC 136-40-128 DESIGN OF FACILITIES—PRESSURE PIPELINE CODES.

WAC 136-40-132 DESIGN OF FACILITIES—SEWER LINE CODES

WAC 136-40-136 DESIGN OF FACILITIES-DRAINAGE FACILITY CODES.

WAC 136-40-140 DESIGN OF FACILITIES-UTILITY TUNNEL OR BRIDGE.

WAC 136-40-200 CONSTRUCTION PERMITS AND FRAN-CHISES-GENERAL.

WAC 136-40-204 CONSTRUCTION PERMITS AND FRAN-CHISES—APPLICATION REQUIREMENTS.

WAC 136-40-208 CONSTRUCTION PERMITS AND FRAN-CHISES—PERMIT REQUIREMENTS.

WAC 136-40-212 CONSTRUCTION PERMITS AND FRAN-CHISES—ENVIRONMENTAL PROTECTION.

WAC 136-40-300 PIPELINES-LOCATION.

WAC 136-40-304 PIPELINES—INSTALLATION.

WAC 136-40-308 PIPELINES-COVER.

WAC 136-40-312 PIPELINES-ENCASEMENT.

PIPELINES—UNCASED CARRIERS. PIPELINES—APPURTENANCES. WAC 136-40-316

WAC 136-40-320

WAC 136-40-324 PIPELINES-ADJUSTMENT OF EXIST-ING FACILITIES.

WAC 136-40-400 OVERHEAD POWER AND COMMUNI-CATION LINES-TYPE OF CONSTRUCTION.

WAC 136-40-404 OVERHEAD POWER AND COMMUNI-CATION LINES—VERTICAL CLEARANCE.

WAC 136-40-408 OVERHEAD POWER AND COMMUNI-CATION LINES—HORIZONTAL CLEARANCE.

WAC 136-40-412 OVERHEAD POWER AND COMMUNI-CATION LINES—IRREGULAR RIGHT OF WAY.

WAC 136-40-416 OVERHEAD POWER AND COMMUNI-

CATION LINES—AESTHETIC CONSIDERATIONS WAC 136-40-500 UNDERGROUND POWER AND COM-

MUNICATION LINES-GENERAL WAC 136-40-504 UNDERGROUND POWER AND COM-MUNICATION LINES—DESIGN.

WAC 136-40-508 UNDERGROUND POWER AND COM-

MUNICATION LINES—MANHOLES. WAC 136-40-512 UNDERGROUND POWER AND COM-

MUNICATION LINES—SCENIC AREAS

WAC 136-40-600 INSTALLATIONS ON BRIDGES-GENERAL.

WAC 136-40-604 INSTALLATIONS ON BRIDGES-LOCATION.

WAC 136-40-608 INSTALLATIONS ON BRIDGES-CLEARANCE.

WAC 136-40-612 INSTALLATIONS ON BRIDGES— MOUNTING.

WAC 136-40-616 INSTALLATIONS ON BRIDGES-POW-ER AND COMMUNICATION LINES.

WAC 136-40-620 INSTALLATIONS ON BRIDGES-BE-YOND ABUTMENTS

WAC 136-40-624 INSTALLATIONS ON BRIDGES-RESPONSIBILITY.

ALL UTILITIES—DRAINAGE. ALL UTILITIES—RESTORATION. WAC 136-40-700

WAC 136-40-704 WAC 136-40-708 ALL UTILITIES—VEGETATION.

ALL UTILITIES—DEBRIS WAC 136-40-712

PUBLIC SAFETY—TRAFFIC CONTROL.
PUBLIC SAFETY—OPEN EXCAVATION. WAC 136-40-800 WAC 136-40-804

PUBLIC SAFETY—MAINTENANCE. WAC 136-40-808

WAC 136-40-812 PUBLIC SAFETY-EMERGENCIES.

WSR 90-01-034 NOTICE OF PUBLIC MEETINGS ARTS COMMISSION

[Memorandum-December 7, 1989]

The following list of meeting dates and locations are for the Washington State Arts Commission for the calendar vear 1990.

January 25-26, 1990 Olympia March 29-30, 1990 Olympia May 24-25, 1990 Moses Lake July 26-27, 1990 Port Townsend September 27-28, 1990 Tri-Cities November 29-30, 1990 Seattle

All meetings are open to the public and announced through statewide media releases. For further information, contact the Washington State Arts Commission, Mailstop GH-11, Olympia, Washington 98504-4111, or call (206) 753-3860.

WSR 90-01-035 PROPOSED RULES INSURANCE COMMISSIONER

[Filed December 12, 1989, 3:45 p.m.]

Original Notice.

Title of Rule: Qualifications of agents, brokers and adjusters.

Purpose: Eliminate obsolete language, make WACs conform to current statutes and group WACs relating to agents, brokers and adjusters into chapter 284-17 WAC.

Other Identifying Information: Insurance Commissioner Matter No. R 90-1.

Statutory Authority for Adoption: RCW 48.02.060.

Statute Being Implemented: RCW 48.17.160, 48.17.330 and 48.17.380.

Summary: Update WACs dealing with qualifications of agents, brokers and adjusters.

Reasons Supporting Proposal: Existing language is obsolete, difficult to understand and located separately from other WACs dealing with agents, brokers and adjusters.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Erika Taylor, Insurance Building, Olympia, Washington, (206) 753-7307.

Name of Proponent: Insurance Commissioner Dick Marquardt, governmental.

Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: WAC 284-12-030 and 284-12-040 require amendment to eliminate obsolete language and bring WACs into conformance with current statutes. Both sections, plus WAC 284-12-010, are being moved to chapter 284-17 WAC to group regulations dealing with agents, brokers and adjusters into one WAC chapter. It is anticipated that these changes will make the WACs easier to locate and understand.

Proposal Changes the Following Existing Rules: Proposal repeals WAC 284-12-010, 284-12-030 and 284-12-040. WAC 284-12-010 is moved unchanged to chapter 284-17 WAC. Redundant and obsolete material in WAC 284-12-030 and 284-12-040 is eliminated, remainder is rewritten for clarity and moved to chapter 284-17 WAC.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

The proposed amendments update interpretive rules governing qualifications required of insurance agents, brokers and adjusters and appointment requirements for agents.

Hearing Location: Office of Insurance Commissioner, Insurance Building, Olympia, Washington, on January 30, 1990, at 11:00 a.m.

Submit Written Comments to: Insurance Commissioner, Insurance Building, AQ-21, Olympia, Washington 98504-0321, by January 30, 1990.

Date of Intended Adoption: February 2, 1990.

December 12, 1989
Dick Marquardt
Insurance Commissioner
By Roger Polzin
Deputy Commissioner

NEW SECTION

WAC 284-17-121 QUALIFICATIONS OF AGENTS OF IN-SURERS AUTHORIZED TO TRANSACT MORE THAN ONE KIND OF INSURANCE—EXCEPTIONS. (1) Except as provided in subsection (2) of this section, and except where the commissioner otherwise permits after good cause is shown therefor in writing, applicants for agents' licenses must take and pass a qualifying examination for all those kinds of insurance which the appointing insurer is authorized to transact in the state of Washington.

- (2) Insurers authorized to write kinds of insurance in addition to vehicle insurance or surety insurance may appoint agents to write vehicle insurance or surety insurance only, and such appointees may take a qualifying examination for vehicle insurance or surety insurance only: PROVIDED, HOWEVER, That the appointing insurers shall file with this office a written statement in which they agree to accept from such appointees only vehicle or surety insurance, as the case may be, until such time as these appointees have qualified to write additional kinds of insurance and the insurers have verified such qualification.
- (3) Insurers making appointments limited to vehicle insurance or surety insurance only must indicate such limitation clearly on each appointment form. In the event such limited agents subsequently qualify for the additional kinds of insurance authorized to be written by their appointing insurers, these insurers must file a new appointment form for each such agent and pay the regular appointment fee for each.
- (4) This section does not apply to or affect the "limited licenses" permitted by RCW 48.17.190.

NEW SECTION

WAC 284-17-122 NONRESIDENT AGENT, BROKER, OR ADJUSTER'S LICENSES. (1) Applicants who are not residents of Washington may be licensed as nonresident agents or brokers if:

- (a) The applicant has and maintains a similar license in the state of residence for the lines of insurance defined in Washington's insurance statutes; and
- (b) The state of residence reciprocates and licenses Washington's agents and brokers as nonresident agents or brokers.
- (2) Applicants who are not residents of Washington may be licensed as nonresident adjusters if:
- (a) The applicant has and maintains an adjuster's license in the state of residence; and
- (b) The state of residence reciprocates and licenses Washington's adjusters as nonresident adjusters.
- If an applicant's state of residence does not issue an adjuster's license, the applicant must pass this state's written adjuster's examination.
- (3) All applicants for a nonresident license must provide written certification from the insurance department of their state of residence indicating:
 - (a) All currently active license(s) held by an applicant;
- (b) The lines of insurance for which the agent or broker has qualified to sell; and
 - (c) All disciplinary actions taken against the applicant.

NEW SECTION

WAC 284-17-123 ADJUSTER'S LICENSES. (1) Applicants for a resident adjuster's license may satisfy the experience or special training requirements of RCW 48.17.380(4) by employment as a "trainee" for a period of not less than six months.

(2) Each "trainee" shall be under the supervision of a resident licensed adjuster. "Trainees" shall receive training in all adjustment activities and responsibilities. Activities of the "trainee" shall be restricted to participation in factual investigation and tentative closing of losses. All adjusting transactions shall be in the name of the supervising licensed adjuster who shall review, confirm, and be responsible for all acts of the "trainee." Compensation of a "trainee" shall be on a salary basis only.

- (3) Anyone employing trainees shall immediately advise the insurance commissioner by letter of such employment, giving the exact date of employment of each "trainee." The employer shall enclose an application completed by each "trainee."
- (4) Trainees shall be eligible to take the adjuster's examination required by the insurance commissioner after completing six months in "trainee" status.
- (5) No person shall be a "trainee" as defined herein for more than one nine-month period. A violation of this requirement or any provision of the insurance code shall subject both the trainee and their supervisory adjuster to penalties of the code.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 284–12–010 QUALIFICATIONS OF AGENTS OF INSURERS AUTHORIZED TO TRANSACT MORE THAN ONE KIND OF INSURANCE—EXCEPTIONS.

WAC 284-12-030 NONRESIDENT AGENT, BROKER, OR ADJUSTER'S LICENSE.

WAC 284-12-040 ADJUSTERS' LICENSES, RCW 48.14.010, 48.17.050, 48.17.060, 48.17.070, 48.17.110, 48.17.120 AND 48.17.380.

WSR 90-01-036 PROPOSED RULES INSURANCE COMMISSIONER

[Filed December 12, 1989, 3:59 p.m.]

Original Notice.

Title of Rule: Amending WAC 284-12-080 Requirements for separate accounts.

Purpose: To clarify and limit how disbursements or withdrawals may be made from the producer's separate account. In addition, these amendments clarify how "clustered agents" may operate separate accounts.

Other Identifying Information: Insurance Commissioner Matter No. R 90-2.

Statutory Authority for Adoption: RCW 48.02.060 and 48.30.010.

Statute Being Implemented: RCW 48.17.480 and 48.17.600.

Summary: Disbursements or withdrawals from the producer's separate account shall be made only for the purposes and in the manner stated: For bank changes, premium payment to an insurer, return premiums to an insured, transfer of funds and commissions to an operating account, or to another producer.

Reasons Supporting Proposal: Confusion may exist concerning appropriate operation of the separate account. The commissioner has enforced the current rule according to these requirements—which he maintains are self-evident. Some producers, however, have failed to use an "operating" account and have commingled operating and separate account funds.

Name of Agency Personnel Responsible for Drafting: Melodie Bankers and Robert E. Johnson, Insurance Building, Olympia, Washington, (206) 586-3574; Implementation: Robert E. Johnson, Insurance Building, Olympia, Washington, (206) 753-2406; and Enforcement: Robert E. Johnson and David H. Rodgers, Insurance Building, Olympia, Washington, (206) 753-7300.

Name of Proponent: Insurance Commissioner Dick Marquardt, governmental.

Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: This amendment to WAC 284-12-080 clarifies how disbursements or withdrawals may be made from an insurance producer's separate account: Bank charges, premium payments to an insurer, return premiums to an insured, transfer of commissions and other funds belonging to the producer to a producer's operating account, or transfer to another producer. All other disbursements or withdrawals are improper; they are considered commingling separate account and operating account funds. In addition, these amendments clarify how "clustered agents" may operate separate accounts.

Proposal does not change existing rules.

The commissioner has enforced the current rule according to the requirements of the amendment—requirements he maintains are self-evident. Some producers have misunderstood the rule for operation of their separate account and have commingled separate account funds with operating funds.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

This amendment does not change the existing rule; rather it sets forth details for compliance. Some producers may have misunderstood how to make disbursements or withdrawals from a separate account.

Hearing Location: Office of Insurance Commissioner, Insurance Building, Olympia, Washington, on January 24, 1990, at 10:00 a.m.

Submit Written Comments to: Insurance Commissioner, Insurance Building, AQ-21, Olympia, Washington 98504-0321, by January 24, 1990.

Date of Intended Adoption: January 31, 1990.

December 12, 1989
Dick Marquardt
Insurance Commissioner
By Melodie Bankers
Deputy Commissioner

 $\frac{AMENDATORY}{8/24/88)} \quad \text{SECTION} \quad \text{(Amending Order R 88-8, filed } \\$

WAC 284-12-080 REQUIREMENTS FOR SEPARATE ACCOUNTS. (1) The purpose of this section is to effectuate RCW 48.17.600 and 48.17.480 with respect to the separation and accounting of premium funds by agents, brokers, solicitors, general agents and surplus line brokers, hereinafter called "producers." Pursuant to RCW 48.30.010, the commissioner has found and hereby defines it to be an unfair practice for any producer, except as allowed by statute, to conduct insurance business without complying with the requirements of RCW 48.17.600 and this section. As provided in RCW 48.17.600, agents for title insurance companies or insurance brokers whose average daily balance for premiums received on behalf of insureds in the state of Washington equals or exceeds one million dollars, are exempt from subsections (1) through (((5))) (6) of this section, except with respect to premiums and return premiums received in another licensing capacity.

(2) All funds representing premiums and return premiums received on Washington business by a producer in his or her fiduciary capacity on or after January 1, 1987, shall be deposited in one or more identifiable separate accounts which may be interest bearing.

(a) A producer may deposit no funds other than premiums and return premiums to the separate account except as follows:

(i) Funds reasonably sufficient to pay bank charges;

(ii) Funds a producer may deem prudent for advancing premiums, or establishing reserves for the paying of return premiums; and

- (iii) Funds for contingencies as may arise in the business of receiving and transmitting premiums or return premiums.
- (b) A producer may commingle Washington premiums and return premiums with those produced in other states, but there shall be no commingling of any funds which would not be permitted by this section.
 - (3)(a) The separate account funds may be:
- (i) Deposited in a checking account, demand account, or a savings account in a bank, national banking association, savings and loan association, mutual savings bank, stock savings bank, credit union, or trust company located in the state of Washington. Such an account must be insured by an entity of the federal government; or
- (ii) Invested in United States government bonds and treasury certificates or other obligations for which the full faith and credit of the United States government is pledged for payment of principal and interest, repurchase agreements collateralized by securities issued by the United States government, and bankers acceptances. Insurers may, of course, restrict investments of separate account funds by their agent.
- (b) A nonresident licensee, or a resident producer with affiliated operations under common ownership in two or more states, may utilize comparable accounts in another state provided such accounts otherwise meet the requirements of RCW 48.17.600 and this rule, and are accessible to the commissioner for purposes of examination or audit at the expense of the producer.
- (4) Disbursements or withdrawals from a separate account shall be made for the following purposes only, and in the manner stated:
- (a) For charges imposed by a bank or other financial institution for operation of the separate account;
- (b) For payments of premiums, directly to insurers or other producers entitled thereto;
- (c) For payments of return premiums, directly to the insureds or other persons entitled thereto;
- (d) For payments of commissions and other funds belonging to the separate account's producer, directly to another account maintained by such producer as an operating or business account; and
- (e) For transfer of fiduciary funds, directly to another separate premium account which meets the requirements of this section.
- (5)(a) The entire premium received (including a surplus lines premium tax if paid by the insured) must be deposited into the separate account. Such funds shall be paid promptly to the insurer or to another producer entitled thereto, in accordance with the terms of any applicable agreement between the parties.
- (b) Return premiums received by a producer and the producer's share of any premiums required to be refunded, must be deposited promptly to the separate account. Such funds shall be paid promptly to the insured or person entitled thereto.
- (((5))) (6)(a) Where a producer receives a premium payment in the form of an instrument, such as a check, which is made payable to an insurer, general agent or surplus line broker, the producer may forward such instrument directly to the payee if that can be done without endorsement or alteration. In such a case, the producer's separate account is not involved because the producer has not "received" any funds.
- (b) If the producer receives a premium payment in the form of cash or an instrument requiring endorsement by the producer, such premium must be deposited into the producer's separate account, unless the insurer entitled to such funds has established other procedures by written direction to a producer who is its appointed agent, which procedures:
- (i) Recognize that such agent is receiving premiums directly on behalf of the insurer; and
- (ii) Direct the producer to give adequate receipts on behalf of the insurer; and
- (iii) Require deposit of the proceeds into the insurer's own account or elsewhere as permitted by the insurer's direction.

Thus, for example, an insurer may utilize the services of a licensed agent, known in the industry as a "captive agent," in the sale of its insurance and in the operation of its places of business, and directly receive payments intended for it without such payments being deposited into and accounted for through the licensed agent's separate account. In such cases, for purposes of this rule, the insurer, as distinguished from the agent, is actually "receiving" the funds and is immediately responsible therefor.

(c) When a producer receives premiums in the capacity of a surplus line broker, licensed pursuant to chapter 48.15 RCW, after a binder or other written evidence of insurance has been issued to the insured,

subject to the express written direction of the insurer involved, such premiums may be removed from the separate account.

- (((6))) (7) The commissioner recognizes the practical problems of accounting for the small amounts of interest involved spread over a large number of insurers and insureds. Therefore, absent any agreement between the producer and the insured or insurer to the contrary, interest earned on the deposits held in the separate account may be retained by the producer and used to offset bank charges, establish reserves, pay return premiums, or for any of the purposes listed in subsection (2) of this section, or the interest may be removed to the operating account.
- (((7))) (8) A producer shall establish and maintain records and an appropriate accounting system for all premiums and return premiums received by the producer, and shall make such records available for inspection by the commissioner during regular business hours upon demand during the five years immediately after the date of the transaction.
- (((8))) (9) The accounting system used must effectively isolate the separate account from any operating accounts. All recordkeeping systems, whether manual or electronic must provide an audit trail so that details underlying the summary data, such as invoices, checks, and statements, may be identified and made available on request. Such a system must provide the means to trace any transaction back to its original source or forward to final entry, such as is accomplished by a conventional double-entry bookkeeping system. When automatic data processing systems are used, a description of the system must be available for review by the commissioner. A balance forward system (as in an ordinary checking account) is not acceptable.
- (((9))) (10)(a) A producer that is a firm or corporation may utilize one separate account for the funds received by its affiliated persons operating under its license, and such affiliated persons may deposit the funds they receive in such capacity directly into the separate account of their firm or corporation.
- (b) Funds received by a solicitor may be deposited into and accounted for through the separate account of the agent or broker represented by the solicitor.
- (c) Funds received by an agent who is employed by and offices with another agent may be deposited into and accounted for through the separate account of the employing agent. This provision does not, however, authorize the agent-employee to represent an insurer as to which he or she has no appointment.

WSR 90-01-037 NOTICE OF PUBLIC MEETINGS PARKS AND RECREATION COMMISSION

[Memorandum-December 10, 1989]

The following is the schedule for the 1989 [1990] regular meetings of the Washington State Parks and Recreation Commission:

Date Location January 26 Spokane March 16 Olympia Ocean Shores April 20 June 1 Clarkston July 13 Marysville September 21 Yakima October 26 Vancouver Bellevue December 7

All meetings will begin at 9:00 a.m. on the day scheduled. The exact meeting locations are yet to be determined. The January meeting will be held at the Ramada Inn at the Spokane International Airport.

Locations for the next regular meeting will be announced at the close of each regular meeting and may also be obtained thereafter by writing to the director at 7150

Cleanwater Lane, KY-11, Olympia, WA 98504-5711, or by calling (206) 753-5758.

In accordance with Executive Order 83-19, meeting sites will be selected which are barrier free to the greatest extent feasible. Brailled or taped agenda items for the visually impaired and interpreters for those with hearing impairment will be provided if requested with adequate notice. Such requests should usually be made at least 10 working days in advance of the scheduled meeting date and should be addressed to:

Director Washington State Parks and Recreation Commission 7150 Cleanwater Lane Olympia, WA 98504-5711

WSR 90-01-038 PROPOSED RULES DEPARTMENT OF AGRICULTURE

[Filed December 13, 1989, 9:00 a.m.]

Original Notice.

Title of Rule: Agriculture marketing and fair practices.

Purpose: Implement the Agriculture Marketing and Fair Practices Act.

Other Identifying Information: Chapter 16-622 WAC.

Statutory Authority for Adoption: RCW 15.83.020 (2)(iii) and chapter 34.04 [34.05] RCW.

Statute Being Implemented: Chapter 15.83 RCW, chapter 355, Laws of 1989.

Summary: Establish standards of fair practices required of handlers, producers, and association of producers dealing in sweet corn and potatoes and to establish the mutual obligation of handlers and accredited associations of producers to negotiate relative to the production of marketing of these agricultural commodities.

Reasons Supporting Proposal: The provisions of chapter 15.83 RCW cannot be implemented without rules prescribing specific procedures.

Name of Agency Personnel Responsible for Drafting: Michael Schwisow, Administration, 753-5035; Implementation and Enforcement: Mike Willis, Producer/Consumer Protection, 753-5065.

Name of Proponent: Washington State Department of Agriculture, governmental.

Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: The rule establishes a process and standards that associations of producers must meet to become accredited. The purpose of this rule is to implement the Agriculture Marketing and Fair Practices Act. The affect is that grower organizations, by meeting the requirements of the rules, will become accredited to access provisions of the act.

Proposal does not change existing rules.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

Hearing Location: Pasco Red Lion, Pasco, Washington, on March 19, 1990, at 11:00 a.m.

Submit Written Comments to: Mike Willis, Assistant Director, 406 General Administration Building, Olympia, WA 98504, by March 22, 1989.

Date of Intended Adoption: March 30, 1990.

December 12, 1989 Michael V. Schwisow Deputy Director

Chapter 16-622 WAC

Agriculture Marketing and Fair Practices

NEW SECTION

WAC 16-622-001 PURPOSE. The department of agriculture promulgates this chapter to implement the provisions of the Agricultural Marketing and Fair Practices Act, chapter 15.83 RCW (chapter 355, Laws of 1989). The purpose of this act is to establish standards of fair practices required of handlers, producers, and association of producers dealing in sweet corn and potatoes and to establish the mutual obligation of handlers and accredited associations of producers to negotiate relative to the production or marketing of these agricultural commodities.

NEW SECTION

WAC 16-622-005 DEFINITIONS. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chanter

(1) "Accredited association of producers" means an association of producers which is accredited by the director to be the exclusive negotiating agent for all producer members of the association within a negotiating unit.

(2) "Advance contract" means a contract for purchase and sale of a crop entered into before the crop becomes a growing crop and providing for delivery at or after the harvest of that crop.

(3) "Agricultural products" as used in this chapter means sweet corn and potatoes produced for sale from farms in this state.

(4) "Association of producers" means any association of producers of agricultural products engaged in marketing, negotiating for its members, shipping, or processing as defined in section 15(a) of the Federal Agriculture Marketing Act of 1929 or in section 1 of 42 Stat. 388

(5) "Department" means the department of agriculture of the state of Washington.

(6) "Director" means the director of the department of agriculture or duly authorized representative.

(7) "Handler" means a processor or a person engaged in the business or practice of:

(a) Acquiring agricultural products from producers or associations of producers for use by a processor;

(b) Processing agricultural products received from producers or associations of producers, provided that a cooperative association owned by producers shall not be a handler except when contracting for crops from producers who are not members of the cooperative association;

(c) Contracting or negotiating contracts or other arrangements, written or oral, with or on behalf of producers or associations of producers with respect to the production or marketing of any agricultural product for use by a processor; or

(d) Acting as an agent or broker for a handler in the performance of any function or act specified in (a), (b), or (c) of this subsection.

(8) "Negotiate" means meeting at reasonable times and for reasonable periods of time commencing at least sixty days before the normal planting date and concluding thirty days prior to the normal planting date to make a serious, fair, and reasonable attempt to reach agreement by acknowledging or refuting with reason points brought up by either party with respect to the price, terms of sale, compensation for products produced under contract, or other terms relating to the production or sale of these products: PROVIDED, That neither party shall be required to disclose proprietary business or financial records or information.

- (9) "Negotiating unit" means a negotiating unit approved by the director under the provisions of this chapter and shall include all members of an accredited association of producers supplying qualified commodities to a single processing facility.
- (10) "Person" means an individual, partnership, corporation, association, or any other entity.
- (11) "Processor" means any person that purchases agricultural crops from a producer and cans, freezes, dries, dehydrates, cooks, presses, powders, or otherwise processes those crops in any manner for eventual resale. A person who solely cleans, sorts, grades, and packages a farm product for sale without altering the natural condition of the product is not a processor. A person processing any portion of a crop is a processor.
- (12) "Producer" means a person engaged in the production of agricultural products as a farmer or planter, including a grower or farmer furnishing inputs, production management, or facilities for growing or raising agricultural products. A producer who is also a handler shall be considered a handler under this chapter.
- (13) "Qualified commodity" means agricultural products as defined in subsection (3) of this section.
- (14) "Processing facility" means a facility operated by a processor at a single location where qualified commodities purchased from producers are canned, frozen, dried, dehydrated, cooked, pressed, powdered, or otherwise processed in a manner for eventual resale.

NEW SECTION

WAC 16-622-010 APPLICATION FOR ACCREDITATION OF AN ASSOCIATION OF PRODUCERS. An association of producers requesting accreditation to serve as the exclusive negotiating agent on behalf of its members who are within a proposed negotiating unit with respect to any qualified commodity shall file with the director an application to accredit a negotiating unit containing the following information:

- (1) The name and address of the processing facility for which accreditation of a negotiating unit is being requested.
- (2) A description of the geographical boundaries of the proposed negotiating unit, stated in terms of the number of miles, from the processing facility in each direction of the most distant producer in the proposed unit.
- (3) A list of the names of producers who are members of the proposed negotiating unit and the total number of acres of qualified commodities contracted for delivery by those producers to the processing facility for each of the previous two years.
- (4) The total number of members of the association of producers proposing the negotiating unit, a list of the counties in which those members reside, and the total number of acres of qualified commodities the association of producers had contracts to represent on behalf of its producer members for the previous growing season.

NEW SECTION

WAC 16-622-015 ACCREDITATION FILE. Both the association of producers requesting accreditation of a negotiating unit and the person operating the processing facility for which the negotiating unit is being proposed shall create and maintain in their possession an accreditation file for the purpose of allowing the director to determine if the association of producers has met the requirements for the accreditation of the negotiating unit. The file shall be available to the department during normal working hours with reasonable advance notice. Documents contained in the file shall become a permanent part of the file and shall be serially numbered and indexed to assure the integrity of the file. Copies of original documents may be placed in the file or new documents may be created to satisfy the requirements of this chapter. The director may examine other records as necessary to confirm the validity of the information contained in the accreditation file. The accreditation files shall be maintained at the principal business address of the association of producers and the person operating the processing facility. In the case where the principal business address of the person operating a processing facility is located outside of the state of Washington, the accreditation file shall be maintained at the processing facility or at some other location within the state of Washington as approved by the director.

NEW SECTION

WAC 16-622-020 ACCREDITATION FILE REQUIRE-MENTS—ASSOCIATION OF PRODUCERS. The association of

- producers shall create and maintain an accreditation file for each negotiating unit it is requesting accreditation for, which shall include the following:
- (1) A copy of the articles of incorporation and by-laws of the association;
- (2) A copy of the contract between the association of producers and the producer empowering the association to sell or negotiate the terms of sale of its members qualified commodities and a list of the producers who have executed said contract: and
- (3) A list of the names of producers who are members of the proposed negotiating unit together with the number of acres of qualified commoditics that each producer had contracted to deliver to the processing facility for each of the previous two growing seasons.

NEW SECTION

WAC 16-622-025 ACCREDITATION FILE—PROCESSOR. The processor shall create and maintain an accreditation file for each processing facility where a negotiating unit is being proposed by an association of producers, which shall include the following:

- (1) A list of the names of producers for each facility with whom the processor had an advance contract for qualified commodities for each of the previous two growing seasons;
- (2) The total number of acres of qualified commodities the processing facility had contracted to receive the production from under the provisions of advance contracts for each of the previous two growing seasons.
- (3) A copy of the contract between the processor and producer supplying the affected commodities.

NEW SECTION

WAC 16-622-030 ACCREDITATION PROCEDURE. The director shall, upon receipt of an application for accreditation of a negotiating unit, promptly notify in writing the processor who operates the processing facility. The director shall schedule a time to examine the accreditation files of both the association of producers and the processor operating the processing facility. This examination shall not occur prior to five working days following the receipt of the notice to the processor of the application for accreditation of the negotiating unit. The director shall issue a report of findings resulting from the examination of the accreditation files of both parties which shall include:

- (1) Whether the association of producers is owned and controlled by producers and that one of its functions is to act as principal or agent for its members in negotiations with processors;
- (2) Whether the association of producers has valid and binding contracts with its members who are part of the proposed negotiating unit;
- (3) Whether the members of the proposed negotiating unit represent more than fifty percent of the total average number of producers of record at the processing facility with advance contracts for the previous two growing seasons, or whether the number of acres of qualified commodities produced by members of the proposed negotiating unit, who were producers of records at the processing facility, represents more than fifty percent of the total average number of acres of qualified commodity obtained through advance contracts for the previous two growing seasons.

If the director's findings regarding subsection (1), (2), and (3) above are that the association meets the criteria for accreditation, a notice of accreditation of the negotiating unit will be issued to both parties. If the finding regarding any of the subsections above is that the association fails to meet any of the criteria, a notice citing the specific deficiency will be issued to both parties pending the filing of an amended application in a timely manner.

The director shall not accredit more than one bargaining unit for each processing facility. Should more than one proposed bargaining unit meet the criteria for accreditation the director shall accredit the proposed negotiating unit that would function as the most effective agent for producers in negotiating with the processor. The director, when considering the accreditation of proposed negotiating units, shall consider the ratio of the number of producers to acres previously contracted by those producers, with substantial weight given to the number of acres contracted.

NEW SECTION

WAC 16-622-035 AMENDED APPLICATION FOR AC-CREDITATION. An association of producers upon receiving notice of deficiencies in the application for accreditation of a proposed negotiating unit may file an amended application with the director. The amended application will be examined in the same manner as the initial application. Amended applications must be filed with the director within thirty days of receipt of the notice of deficiencies in the application.

NEW SECTION

WAC 16-622-040 RENEWAL OF APPLICATION FOR AC-CREDITATION. An affected processor or an affected association of producers may petition the director to require an accredited association of producers to renew the application for accreditation of a negotiating unit. If the director concurs with the request of the petitioners or determines that a renewed application would best carry-out the purposes of the chapter, then the parties will be notified of the requirement that a new application be filed. The renewed application shall be examined in the same manner as an initial application.

NEW SECTION

WAC 16-622-045 HEARINGS. A hearing, conducted under the provisions of chapter 34.05 RCW, to determine whether alleged violations of RCW 15.83.030 or 15.83.040 have occurred may be held concurrently with the hearing for civil penalty under section (9) of the act.

NEW SECTION

WAC 16-622-050 NEGOTIATING PERIOD. The negotiating period provided in RCW 15.83.010 and 15.83.060 shall commence each year on February 1st for potatoes and on February 5th for sweet corn. Negotiations may begin at any time prior to these dates and may continue past the date which is thirty days following these dates by mutual consent of the affected parties. Contracts which are agreed to during this mutual consent period will be considered advance contracts.

NEW SECTION

WAC 16-622-055 DEADLINE FOR APPLICATION FOR OR REVIEW OF NEGOTIATING UNIT ACCREDITATION. Applications for accreditation of a negotiating unit or petitions by affected parties for renewal of an existing negotiating unit shall be received by the director by September 1st of each year to allow sufficient time to determine if the criteria for accreditation has been met. Applications or petitions received after that date will be considered for the next succeeding negotiating period. Applications for accreditation of negotiating units for the 1990 growing season will be accepted until January 10, 1990.

NEW SECTION

WAC 16-622-900 SEVERABILITY. If any section or provision of this rule shall be adjudged to be invalid or unconstitutional, such adjudication shall not affect the validity of the rule as a whole, or any section, provision or part thereof, not adjudged invalid or unconstitutional.

WSR 90-01-039 EMERGENCY RULES DEPARTMENT OF AGRICULTURE

[Filed December 13, 1989, 9:01 a.m.]

Date of Adoption: December 12, 1989.

Purpose: Implement the Agriculture Marketing and Fair Practices Act.

Statutory Authority for Adoption: Chapter 15.83 RCW, chapter 355, Laws of 1989, specifically RCW 15.83.020 (2)(iii).

Other Authority: Chapter 34.05 RCW.

Pursuant to RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the

public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: The legislature, in RCW 15.83.110 calls for, and it has been established, a committee to study and report; RCW 15.83.915 [15.83.905] indicates an immediate effective date; in addition, rules need to be in place prior to the contracting season of potatoes and sweet corn.

Effective Date of Rule: Immediately.

December 12, 1989 Michael V. Schwisow Deputy Director

Chapter 16-622 WAC

Agriculture Marketing and Fair Practices

NEW SECTION

WAC 16-622-001 PURPOSE. The department of agriculture promulgates this chapter to implement the provisions of the Agricultural Marketing and Fair Practices Act, chapter 15.83 RCW (chapter 355, Laws of 1989). The purpose of this act is to establish standards of fair practices required of handlers, producers, and association of producers dealing in sweet corn and potatoes and to establish the mutual obligation of handlers and accredited associations of producers to negotiate relative to the production or marketing of these agricultural commodities.

NEW SECTION

WAC 16-622-005 DEFINITIONS. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

- (1) "Accredited association of producers" means an association of producers which is accredited by the director to be the exclusive negotiating agent for all producer members of the association within a negotiating unit
- (2) "Advance contract" means a contract for purchase and sale of a crop entered into before the crop becomes a growing crop and providing for delivery at or after the harvest of that crop.
- (3) "Agricultural products" as used in this chapter means sweet corn and potatoes produced for sale from farms in this state.
- (4) "Association of producers" means any association of producers of agricultural products engaged in marketing, negotiating for its members, shipping, or processing as defined in section 15(a) of the Federal Agriculture Marketing Act of 1929 or in section 1 of 42 Stat. 388.
- (5) "Department" means the department of agriculture of the state of Washington.
- (6) "Director" means the director of the department of agriculture or duly authorized representative.
- (7) "Handler" means a processor or a person engaged in the business or practice of:
- (a) Acquiring agricultural products from producers or associations of producers for use by a processor,

- (b) Processing agricultural products received from producers or associations of producers, provided that a cooperative association owned by producers shall not be a handler except when contracting for crops from producers who are not members of the cooperative association:
- (c) Contracting or negotiating contracts or other arrangements, written or oral, with or on behalf of producers or associations of producers with respect to the production or marketing of any agricultural product for use by a processor, or
- (d) Acting as an agent or broker for a handler in the performance of any function or act specified in (a), (b), or (c) of this subsection.
- (8) "Negotiate" means meeting at reasonable times and for reasonable periods of time commencing at least sixty days before the normal planting date and concluding thirty days prior to the normal planting date to make a serious, fair, and reasonable attempt to reach agreement by acknowledging or refuting with reason points brought up by either party with respect to the price, terms of sale, compensation for products produced under contract, or other terms relating to the production or sale of these products: PROVIDED, That neither party shall be required to disclose proprietary business or financial records or information.
- (9) "Negotiating unit" means a negotiating unit approved by the director under the provisions of this chapter and shall include all members of an accredited association of producers supplying qualified commodities to a single processing facility.
- (10) "Person" means an individual, partnership, corporation, association, or any other entity.
- (11) "Processor" means any person that purchases agricultural crops from a producer and cans, freezes, dries, dehydrates, cooks, presses, powders, or otherwise processes those crops in any manner for eventual resale. A person who solely cleans, sorts, grades, and packages a farm product for sale without altering the natural condition of the product is not a processor. A person processing any portion of a crop is a processor.
- (12) "Producer" means a person engaged in the production of agricultural products as a farmer or planter, including a grower or farmer furnishing inputs, production management, or facilities for growing or raising agricultural products. A producer who is also a handler shall be considered a handler under this chapter.
- (13) "Qualified commodity" means agricultural products as defined in subsection (3) of this section.
- (14) "Processing facility" means a facility operated by a processor at a single location where qualified commodities purchased from producers are canned, frozen, dried, dehydrated, cooked, pressed, powdered, or otherwise processed in a manner for eventual resale.

NEW SECTION

WAC 16-622-010 APPLICATION FOR AC-CREDITATION OF AN ASSOCIATION OF PRO-DUCERS. An association of producers requesting accreditation to serve as the exclusive negotiating agent on behalf of its members who are within a proposed negotiating unit with respect to any qualified commodity shall

- file with the director an application to accredit a negotiating unit containing the following information:
- (1) The name and address of the processing facility for which accreditation of a negotiating unit is being requested.
- (2) A description of the geographical boundaries of the proposed negotiating unit, stated in terms of the number of miles, from the processing facility in each direction of the most distant producer in the proposed unit.
- (3) A list of the names of producers who are members of the proposed negotiating unit and the total number of acres of qualified commodities contracted for delivery by those producers to the processing facility for each of the previous two years.
- (4) The total number of members of the association of producers proposing the negotiating unit, a list of the counties in which those members reside, and the total number of acres of qualified commodities the association of producers had contracts to represent on behalf of its producer members for the previous growing season.

NEW SECTION

WAC 16-622-015 ACCREDITATION FILE. Both the association of producers requesting accreditation of a negotiating unit and the person operating the processing facility for which the negotiating unit is being proposed shall create and maintain in their possession an accreditation file for the purpose of allowing the director to determine if the association of producers has met the requirements for the accreditation of the negotiating unit. The file shall be available to the department during normal working hours with reasonable advance notice. Documents contained in the file shall become a permanent part of the file and shall be serially numbered and indexed to assure the integrity of the file. Copies of original documents may be placed in the file or new documents may be created to satisfy the requirements of this chapter. The director may examine other records as necessary to confirm the validity of the information contained in the accreditation file. The accreditation files shall be maintained at the principal business address of the association of producers and the person operating the processing facility. In the case where the principal business address of the person operating a processing facility is located outside of the state of Washington, the accreditation file shall be maintained at the processing facility or at some other location within the state of Washington as approved by the director.

NEW SECTION

WAC 16-622-020 ACCREDITATION FILE RE-QUIREMENTS—ASSOCIATION OF PRODUCERS. The association of producers shall create and maintain an accreditation file for each negotiating unit it is requesting accreditation for, which shall include the following:

- (1) A copy of the articles of incorporation and bylaws of the association;
- (2) A copy of the contract between the association of producers and the producer empowering the association

to sell or negotiate the terms of sale of its members qualified commodities and a list of the producers who have executed said contract; and

(3) A list of the names of producers who are members of the proposed negotiating unit together with the number of acres of qualified commodities that each producer had contracted to deliver to the processing facility for each of the previous two growing seasons.

NEW SECTION

WAC 16-622-025 ACCREDITATION FILE—PROCESSOR. The processor shall create and maintain an accreditation file for each processing facility where a negotiating unit is being proposed by an association of producers, which shall include the following:

- (1) A list of the names of producers for each facility with whom the processor had an advance contract for qualified commodities for each of the previous two growing seasons;
- (2) The total number of acres of qualified commodities the processing facility had contracted to receive the production from under the provisions of advance contracts for each of the previous two growing seasons.
- (3) A copy of the contract between the processor and producer supplying the affected commodities.

NEW SECTION

WAC 16-622-030 ACCREDITATION PROCE-DURE. The director shall, upon receipt of an application for accreditation of a negotiating unit, promptly notify in writing the processor who operates the processing facility. The director shall schedule a time to examine the accreditation files of both the association of producers and the processor operating the processing facility. This examination shall not occur prior to five working days following the receipt of the notice to the processor of the application for accreditation of the negotiating unit. The director shall issue a report of findings resulting from the examination of the accreditation files of both parties which shall include:

- (1) Whether the association of producers is owned and controlled by producers and that one of its functions is to act as principal or agent for its members in negotiations with processors;
- (2) Whether the association of producers has valid and binding contracts with its members who are part of the proposed negotiating unit;
- (3) Whether the members of the proposed negotiating unit represent more than fifty percent of the total average number of producers of record at the processing facility with advance contracts for the previous two growing seasons, or whether the number of acres of qualified commodities produced by members of the proposed negotiating unit, who were producers of records at the processing facility, represents more than fifty percent of the total average number of acres of qualified commodity obtained through advance contracts for the previous two growing seasons.

If the director's findings regarding subsection (1), (2), and (3) above are that the association meets the criteria

for accreditation, a notice of accreditation of the negotiating unit will be issued to both parties. If the finding regarding any of the subsections above is that the association fails to meet any of the criteria, a notice citing the specific deficiency will be issued to both parties pending the filing of an amended application in a timely manner.

The director shall not accredit more than one bargaining unit for each processing facility. Should more than one proposed bargaining unit meet the criteria for accreditation the director shall accredit the proposed negotiating unit that would function as the most effective agent for producers in negotiating with the processor. The director, when considering the accreditation of proposed negotiating units, shall consider the ratio of the number of producers to acres previously contracted by those producers, with substantial weight given to the number of acres contracted.

NEW SECTION

WAC 16-622-035 AMENDED APPLICATION FOR ACCREDITATION. An association of producers upon receiving notice of deficiencies in the application for accreditation of a proposed negotiating unit may file an amended application with the director. The amended application will be examined in the same manner as the initial application. Amended applications must be filed with the director within thirty days of receipt of the notice of deficiencies in the application.

NEW SECTION

WAC 16-622-040 RENEWAL OF APPLICATION FOR ACCREDITATION. An affected processor or an affected association of producers may petition the director to require an accredited association of producers to renew the application for accreditation of a negotiating unit. If the director concurs with the request of the petitioners or determines that a renewed application would best carry-out the purposes of the chapter, then the parties will be notified of the requirement that a new application be filed. The renewed application shall be examined in the same manner as an initial application.

NEW SECTION

WAC 16-622-045 HEARINGS. A hearing, conducted under the provisions of chapter 34.05 RCW, to determine whether alleged violations of RCW 15.83.030 or 15.83.040 have occurred may be held concurrently with the hearing for civil penalty under section (9) of the act.

NEW SECTION

WAC 16-622-050 NEGOTIATING PERIOD. The negotiating period provided in RCW 15.83.010 and 15.83.060 shall commence each year on February 1st for potatoes and on February 5th for sweet corn. Negotiations may begin at any time prior to these dates and may continue past the date which is thirty days following these dates by mutual consent of the affected parties.

Contracts which are agreed to during this mutual consent period will be considered advance contracts.

NEW SECTION

WAC 16-622-055 DEADLINE FOR APPLICATION FOR OR REVIEW OF NEGOTIATING UNIT ACCREDITATION. Applications for accreditation of a negotiating unit or petitions by affected parties for renewal of an existing negotiating unit shall be received by the director by September 1st of each year to allow sufficient time to determine if the criteria for accreditation has been met. Applications or petitions received after that date will be considered for the next succeeding negotiating period. Applications for accreditation of negotiating units for the 1990 growing season will be accepted until January 10, 1990.

NEW SECTION

WAC 16-622-900 SEVERABILITY. If any section or provision of this rule shall be adjudged to be invalid or unconstitutional, such adjudication shall not affect the validity of the rule as a whole, or any section, provision or part thereof, not adjudged invalid or unconstitutional.

W5k 90-01-040 MOTICE OF PUBLIC MEETINGS DEPARTMENT OF LICENSING

[Memorandum—December 13, 1989]

MARINE FUEL USE STUDY - PUBLIC HEARING

The Department of Licensing has established the following hearing date and place to present the results of the 1988-1989 marine fuel use study:

10:00 a.m.
January 31, 1990
Second Floor Conference Room
Department of Licensing
Highways-Licenses Building
12th Avenue and Franklin Street
Olympia, Washington 98504

The study to determine the amount or proportion of moneys paid to the department as motor vehicle fuel tax which is tax on marine fuel is in accordance with the provisions of RCW 43.99.030. The study period covered September 1, 1988, through August 31, 1989.

The information is important as it establishes the amount of nonrefunded marine fuel tax available for deposit in the outdoor recreation account. These funds are administered by the Interagency Committee for Outdoor Recreation (IAC) and used to acquire and develop boating facilities statewide.

Should you wish to express your views on this study, you may attend this hearing to do so. You may also contact the Department of Licensing in writing at the above address on or before January 30, 1990, to make your thoughts known.

WSR 90-01-041 EMERGENCY RULES DEPARTMENT OF REVENUE

[Filed December 13, 1989, 4:26 p.m.]

Date of Adoption: December 13, 1989.

Purpose: To provide assessors with guidance in the setting of levies.

Statutory Authority for Adoption: RCW 84.08.010 and 84.52.0502.

Pursuant to RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: Levies are to be set by December 15th.

Effective Date of Rule: Immediately.

December 13, 1989 William N. Rice Assistant Director

NEW SECTION

WAC 458-19-005 DEFINITIONS. (1) "Annexation" means the process of adding land area to an existing taxing district.

- (2) "Assessed value" means the value placed on the assessment rolls.
- (3) "Assessor" means the county assessor or any person authorized to act on behalf of the assessor.
- (4) "Authorized levy rate" means the statutory levy rate of a taxing district unless the district requests a lesser levy or the district's rate is reduced below the district's statutory rate by operation of the one hundred percent limitation, in which case the lesser amount becomes the authorized levy rate.
- (5) "Cumulative regular levy rate" means the sum of the individual taxing districts' regular levy rates in a tax code area which are subject to the five dollars and fifty five cent limitation of RCW 84.52.043.
- (6) "Consolidation" means merging two or more taxing districts into one taxing district.
 - (7) "Department" means the department of revenue.
- (8) "Improvements to property" means an increase in the value of property resulting from:
 - (a) the addition of a new structure to the land;
 - (b) an alteration of the land;
 - (c) an alteration of existing structures.
- (9) "Junior taxing district", means a taxing district other than the state, county, county road, city or town.
- (10) "Levy rate" means a property tax rate expressed in terms of dollars and cents per one thousand dollars of assessed value.
- (11) "Local rate" means the state school levy rate as levied by each county.
- (12) "New construction", means improvements to property added in the current year.
- (13) "One hundred six percent limit" means the limitation placed on the regular levy of a taxing district pursuant to chapter 84.55.010 RCW.

- (14) "One percent limit" means the property tax limit established in article seven, section two of the washington state constitution.
- (15) "Payback" means payments made by a taxing district to another taxing district pursuant to RCW 84.52.0501.
- (16) "Preferred junior taxing districts" means the fire protection, library, metropolitan park, and public hospital districts.
- (17) "Proportionate share", means the percentage of any reduced levy amount which a taxing district pays to another taxing district.
- (18) "Reduced amount" means the amount of levy rate a taxing district surrenders to allow another taxing district to reach its authorized rate.
- (19) "Regular levy" means a property tax levy subject to the one percent limit.
- (20) "Senior taxing districts" means the state, the county, county road, and a city or town.
- (21) "Statutory levy rate" means the maximum levy rate authorized for an individual taxing district by statute without voter approval.
- (22) "Tax code area" means the unique area created by the overlap of two or more taxing districts.
- (23) "Taxing district" means any governmental entity with statutory authority to levy, or to have levied for it, a property tax.

Reviser's note: The typographical error in the above section occurred in the copy filed by the agency and appears in the Register pursuant to the requirements of RCW 34.08.040.

NEW SECTION

WAC 458-19-045 ONE HUNDRED SIX PER-CENT LIMITATION – EFFECT ON DISTRICT STATUTORY RATES. (1) Voter approval to exceed the one hundred six percent limitation does not increase the statutory levy rates for individual districts.

(2) The increased levy rate shall establish a new levy limit base for subsequent years.

NEW SECTION

WAC 458-19-060 ONE HUNDRED SIX PERCENT LEVY LIMIT—PRORATION OF EARMARKED FUNDS. (1) Cities and counties may reduce the levy rates for the fireman's pension fund authorized by RCW 41.16.060, the veteran's relief fund authorized by RCW 73.08.080, and the mental health and retardation fund authorized by RCW 71.20.110 within their regular levy in the same proportion as their general levy is reduced by the one hundred six percent levy limit.

(2) Proration of these levy rates will be made only when the city or county levies are impacted by the one hundred six percent limit. If the city or county voluntarily reduces its regular levy below that permitted under the one hundred six percent limit, there shall be no reduction in an earmarked levy.

NEW SECTION

WAC 458-19-095 VOTER AUTHORIZED IN-CREASE IN THE CUMULATIVE REGULAR LEVY RATE. (1) If two or more districts in the same tax code area obtain voter approval for the thirty five cents authorized by RCW 84.52.100, the thirty five cents is to be distributed prorata according to the ratio established by the authorized levy rates for those districts.

(2) Only those districts which have received voter approval to exceed the five dollar and fifty five cent cumulative limitation of RCW 84.52.043 may share in the available thirty five cents authorized under RCW 84.52.100.

NEW SECTION

WAC 458-19-100 PROCEDURE TO BRING THE CUMULATIVE REGULAR LEVY RATE OF EACH TAX CODE AREA WITHIN STATUTORY LIMITATIONS. (1) The calculation of final levy rates is accomplished as follows:

(a) step one: list the authorized levy rate for each taxing district in the county as determined by the interplay of each district's statutory levy rate and the one hundred six percent limit.

[Note: The following examples presume that only hospital district I and the library district received voter approval for an additional thirty five cents of levy rate.]

EXAMPLE:

District	TCAI	TCA5	TCAI	OTCA I	5 TCA 2.	5 TCA2	6 TCA30
County	1.80	1.80	1.80	1.80	1.80	1.80	1.80
Road					2.25	2.25	2.25
City 1	3.60						
City 2		3.212					
City 3			3.10				
City 4				3.10			
Library			.50	.50	.50	.50	.50
Hospital 1	. 75	.75	.75		. <i>75</i>	.75	
Hospital 2				.75			
Fire 1						1.50	
Fire 2							1.50
Totals	6.15	5.762	6.15	6.15	5.30	6.80	6.05

(b) step two: total the individual district's levy rates in each tax code area. Bring each tax code area in compliance with the five dollar and fifty five cent limit by eliminating or reducing district levy rates according to the priorities established in RCW 84.52.010(2). If proration among any class of district is required, the districts within that class shall share the reduction prorata based on their authorized rates. The authorized rate for fire districts in such cases shall be no more than fifty cents.

EXAMPLE:

District	TCA1	TCA5	TCAI	OTCA I	5 TCA2.	5 TCA2	6 TCA 30
County Road	1.80	1.80	1.80	1.80		1.80 2.25	1.80 2.25
City 1	3.60				2.25	2.25	2.23
City 2		3.212					
City 3			3.10				
City 4				3.10			
Library			.26	.26	.50	.43	.50
Hospital 1	.15	.538	.39		.75	.64	

District	TCA1	TCA5	TCAI	TCA1	5 TCA2	TCA26	TCA30)
Hospital 2				.39				
Fire 1						.43		
Fire 2							1.00	
Totals	5.55	5.55	5.55	5.55	5.30	5.55	5.55	

(c) step three: adjust the rates in all tax code areas so that rates are uniform. The lowest rate of a taxing district in a tax code area shall be the rate applied in all tax code areas.

EXAMPLE:

		_					
District	TCAI	TCA5	TCA 10	TCA15	TCA 25	TCA26	TCA30
County Road	1.80	1.80	1.80	1.80		1.80 2.25	1.80 2.25
City 1	3.60						
City 2		3.212					
City 3			3.10				
City 4				3.10			
Library			.26	.26			.26
Hospital 1	.15	.15	.15		.15	.15	
Hospital 2				.39			
Fire 1						.43	
Fire 2							1.00
Totals	5.55	5.162	5.31	5.55	4.46	4.89	5.31

(d) step four: increase the rate of any district up to its maximum rate while maintaining uniformity throughout all tax code areas. The maximum rate is determined by the district's authorized rate and the five dollar and fifty five cent limitation. Increases shall be made in reverse order of the reductions made under RCW 84.52.010.

EXAMPLE:

District	TCAI	TCA5	TCA10	TCA15	TCA25	TCA26	5 TCA 30
County	1.80	1.80	1.80	1.80	1.80	1.80	1.80
Road					2.25	2.25	2.25
City 1	3.60						
City 2		3.212					
City 3			3.10				
City 4				3.10			
Library			.26	.26		.26	.26
Hospital 1	.15	.15	.15		.15	.15	
Hospital 2				.39			
Fire 1						1.09	
Fire 2							1.24
Totals	5.55	5.162	5.31	5.55	4.46	5.55	5.55

(e) step five: apply, by tax code area, the additional thirty five cents available under RCW 84.52.100, giving benefit only to those districts receiving voter authorization. If the amount required to restore those districts to their authorized rate exceeds thirty five cents as a result of two or more taxing districts receiving voter approval, then those districts will share the available amount prorata based on their authorized rates. The maximum levy rate a fire district can have with the additional thirty five cents is fifty cents.

EXAMPLE:

District	TCA1	TCA5	TCA10	TCA15	TCA25	TCA26	TCA30
County	1.80	1.80	1.80	1.80	1.80	1.80	1.80
Road					2.25	2.25	2.25
City 1	3.60						
City 2	•	3.212					
City 3			3.10				
City 4				3.10			
Library			.40	.50	.40	.40	.50
Hospital 1	.50	.50	.36		.36	.36	
Hospital 2				.39			
Fire 1						1.09	
Fire 2							1.24
Totals	5.90	5.512	5.66	5.79	4.81	5.90	5.79

(f) step six: increase the rate of any taxing district up to its maximum allowable rate. The maximum allowable rate is determined by the district's authorized rate, the five dollar and fifty five cent limitation, and applicable levy rate increases under RCW 84.52.100. Preferred junior districts shall share any increase prorata based on a fraction, the denominator of which is the sum of the differences between the districts' authorized rates and their current rates, and the numerator of which is the difference between each district's authorized rate and current rate. The authorized rate for fire districts in such cases shall be no more than fifty cents.

EXAMPLE:

In TCA1 we are already at the \$5.90 limit so no changes occur in TCA1. In TCA5, the hospital district is brought up to \$.75, bringing the cumulative rate in TCA5 to \$5.762. In TCA10, the hospital and library share the available \$.24 as follows: library \$.75 - \$.36 = \$.39. Hospital \$.50 - \$.40 = \$.10. \$.30 + \$.10 = \$.40. Thus the hospital's share is $39/49 \times $.24$ and the library's share in $10/49 \times $.24$. In TCA15, no changes occur. In TCA25, there is no need to prorate between the library and hospital so each is brought up to its authorized rate. In TCA26 we are already at the \$5.90 limit so no changes occur in TCA26. In TCA30, no changes occur because the library is at its authorized rate and the fire district did not receive voter approval for an increase, thus the cumulative limit stays at \$5.79.

District	TCAI	TCA5	TCA10	TCA15	TCA25	TCA26	TCA30
County	1.80	1.80	1.80	1.80	1.80	1.80	1.80
Road					2.25	2.25	2.25
City 1	3.60						
City 2		3.212					
City 3			3.10				
City 4				3.10			
Library			.449	.50	.50	.40	.50
	.50	.75	.551		.75	.36	
Hospital 2				.39			
Fire 1						1.09	
Fire 2							1.24
Totals	5.90	5.762	5.90	5.79	5.30	5.90	5.79

(g) step seven: Increase the levy rate of preferred junior districts up to their authorized levy rate by reducing the district with the smallest assessed value, Provided,

That: if the only district which is below its authorized levy rate is also the smallest assessed value district, no paybacks occur. If only one district receives a benefit from the smallest assessed value district, that district will pay a one hundred percent proportionate share of the reduced amount, unless the smallest assessed value district is a city which is annexed by a fire or library district, in which case the payback is ninety percent of the amount received. If more than one district receives a benefit from the smallest assessed value district, the proportionate share which the receiving districts pay back to the reducing district will be equal to the proportion of the rate by which those districts would have been reduced. The total amount paid back will equal one hundred percent of the amount received, unless the reducing district is a city which is annexed by a fire or hospital district, in which case the total amount paid back shall be ninety percent of the amount received. No paybacks shall be made to a fire district whose levy rate is above fifty cents.

EXAMPLE:							
District	TCAI	TCA5	TCA 10	TCA 15	TCA25	TCA26	TCA30
County Road		1.80	1.80	1.80		1.80 2.25	1.80 2.25
City 1 City 2 City 3	3.35	3.212	2.85				
City 4 Library					.50		.50
Hospital 1 Hospital 2	.75	.75		.75	.75		
Fire 1 Fire 2						.60	1.24
Totals	5.90	5.762	5.90	5.79	5.30	5.90	5.79

Reviser's note: The brackets and enclosed material in the text of the above section occurred in the copy filed by the agency and appear in the Register pursuant to the requirements of RCW 34.08.040.

Reviser's note: The typographical error in the above section occurred in the copy filed by the agency and appears in the Register pursuant to the requirements of RCW 34.08.040.

NEW SECTION

WAC 458-19-110 CITY ANNEXED BY FIRE PROTECTION AND/OR LIBRARY DISTRICTS. (1) When a city or town is annexed to a fire protection or a library district, that city or town is entitled to levy up to three dollars and sixty cents per thousand dollars assessed value less the levy made by the fire protection and/or library district. The assessor shall calculate the initial city or town levy as follows:

- (a) Calculate the one hundred six percent limit and rate for the fire protection and/or library district, excluding the assessed value of the annexed city or town; then
- (b) Subtract the fire protection and/or library district levy rate from the city or town statutory rate of three dollars and sixty cents. The resulting rate will become

the maximum levy rate for the city or town even if the fire protection and/or library district rate is later reduced as a result of prorationing pursuant to RCW 84.52.010.

(2) Calculate the one hundred six percent levy limit for cities and towns independent of the calculations performed in subsection (1).

WSR 90-01-042 PROPOSED RULES HIGHER EDUCATION PERSONNEL BOARD

[Filed December 14, 1989, 11:33 a.m.]

Continuance of WSR 89-22-122.

Title of Rule: WAC 251-09-090 Special pay—Purpose; 251-09-092 Special pay—Categories; and 251-09-094 Special pay—Requirements.

Purpose: To specify the use and implementation of special pay.

Statutory Authority for Adoption: RCW 28B.16.100. Statute Being Implemented: Chapter 28B.16 RCW.

Summary: Proposed modification and new rules specify the requirements for implementation of special pay for employees in the Higher Education Personnel Board system.

Reasons Supporting Proposal: The Higher Education Personnel Board requested modifications to clarify when this pay category may be used.

Name of Agency Personnel Responsible for Drafting: Jamie McNamara, 1202 Black Lake Boulevard, FT-11, Olympia, WA, 753-5881; Implementation and Enforcement: John Spitz, Director, 1202 Black Lake Boulevard, FT-11, Olympia, WA, 753-3730.

Name of Proponent: Higher Education Personnel Board staff, governmental.

Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: Establish special pay and set forth categories and requirements. The purpose of special pay is to alleviate recruitment and retention problems.

Proposal Changes the Following Existing Rules: Expands existing rule, includes more information about categories of special pay and identifies requirements.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

Hearing Location: Board Room, South Puget Sound Community College, Olympia, Washington, on February 1, 1990, at 10:00 a.m.

Submit Written Comments to: 1202 Black Lake Boulevard, FT-11, Olympia, WA 98504, by February 1, 1990.

Date of Intended Adoption: February 1, 1990.

John A. Spitz Director

WSR 90-01-043 PERMANENT RULES DEPARTMENT OF LICENSING

(Real Estate Commission)

[Filed December 14, 1989, 11:40 a.m.]

Date of Adoption: December 8, 1989.

Purpose: The purpose of the proposed rule changes is to clarify the notification requirements by licensees.

Citation of Existing Rules Affected by this Order: Amending WAC 308-124C-040 Suit or complaint notification.

Statutory Authority for Adoption: RCW 18.85.040. Pursuant to notice filed as WSR 89-22-068 on October 31, 1989.

Effective Date of Rule: Thirty-one days after filing.

December 14, 1989

Mary Faulk

Director

AMENDATORY SECTION (Amending Order PM 683, filed 10/7/87)

WAC 308-124C-040 SUIT OR COMPLAINT NOTIFICATION. Every licensee shall, within twenty days after service or knowledge thereof, notify the real estate program manager of ((any suit, complaint, counterclaim or cross complaint served or filed in any court of competent jurisdiction, civil or criminal, in which the licensee is named as a defendant; and in which the subject matter, thereof, involves any real estate or business activity of the defendants therein named)) the following:

- (1) Any criminal complaint, information, indictment, or conviction (including a plea of guilty or nolo contendere) in which the licensee is named as a defendant.
- (2) Entry of a civil court order, verdict, or judgment, against the licensee in any court of competent jurisdiction in which the subject matter therein involves any real estate or business—related activity by the licensee. Notification is required regardless of any pending appeal.

WSR 90-01-044 PERMANENT RULES DEPARTMENT OF LICENSING (Real Estate Commission)

[Filed December 14, 1989, 11:41 a.m.]

Date of Adoption: December 8, 1989.

Purpose: To define broker responsibilities for supervision of affiliated licensees.

Statutory Authority for Adoption: RCW 18.85.040. Pursuant to notice filed as WSR 89-22-069 on October 31, 1989.

Effective Date of Rule: Thirty-one days after filing.

December 14, 1989 Mary Faulk Director

NEW SECTION

WAC 308-124D-061 BROKER SUPERVISION OF AFFILIATED LICENSEES. (1) Individual and

designated brokers shall be responsible for supervising the conduct of all associate brokers and salespersons licensed to them, whether in an individual capacity or through a corporate entity. A broker shall not be held responsible for inadequate supervision if:

- (a) An associate broker or salesperson violates a provision of chapter 18.85 RCW, or the rules promulgated thereunder, in contravention of the supervising broker's specific written policies or instructions;
- (b) Reasonable procedures had been established to verify that adequate supervision was being performed;
- (c) Upon learning of the violation, the broker attempted to prevent or mitigate the damage;
 - (d) The broker did not participate in the violation;
- (e) The broker did not ratify the violation; and
- (f) The broker did not attempt to avoid learning of the violation.
- (2) The existence of an independent contractor relationship or any other special compensation arrangement between the broker and affiliated licensees shall not release the broker and licensee of any duties, obligations, or responsibilities.

WSR 90-01-045 PERMANENT RULES DEPARTMENT OF LICENSING (Real Estate Commission)

[Filed December 14, 1989, 11:42 a.m.]

Date of Adoption: December 8, 1989.

Purpose: Housekeeping.

Citation of Existing Rules Affected by this Order: Amending WAC 308-124E-012 (5) and (7), Administration of funds held in trust.

Statutory Authority for Adoption: RCW 18.85.040. Pursuant to notice filed as WSR 89-22-070 on October 31, 1989.

Effective Date of Rule: Thirty-one days after filing.

December 14, 1989

Mary Faulk

Director

AMENDATORY SECTION (Amending Order PM 811, filed 12/7/88)

WAC 308-124E-012 ADMINISTRATION OF FUNDS HELD IN TRUST—GENERAL PROCE-DURES. Any real estate broker who receives funds or moneys from any principal or any party to a real estate or business opportunity transaction, property management agreement, or contract/mortgage collection agreement shall hold the funds or moneys in trust for the purposes of the transaction or agreement, and shall not utilize such funds or moneys for the benefit of the broker or any person not entitled to such benefit. Except as specifically provided in this section, funds or moneys received in trust shall be deposited in a Washington state banking institution approved by the banking division, department of general administration, state of Washington, or successor. The broker is responsible for

depositing, holding, disbursing and accounting for funds in trust as provided herein.

- (1) Bank accounts shall be designated as trust accounts in the firm name of the real estate broker as licensed.
- (2) Interest credited to a clients account must be recorded as a liability on client ledger. Interest assigned or credited by written assignment agreement to the broker may not be maintained in the trust account. The broker is responsible to make arrangements with the financial institution to credit this interest to the general account of the firm
- (3) The broker shall establish and maintain a system of records and procedures approved by the director that provide an audit trail accounting for all funds received and disbursed, identified to the account of each individual client. Records and procedures described herein meet approval requirements. Any alternative records or procedures proposed for use by a broker shall be approved in advance by the department.
- (4) The real estate broker shall be responsible for deposits, disbursements or transfers of clients' funds received and held in trust, whether disbursed by personal signature, signature plate or signature of another person authorized to act on the broker's behalf.
- (5) All funds or moneys received for any reason pertaining to the sale, renting, leasing or option of real estate or business opportunities or contract or mortgage collections shall be deposited in the broker's real estate trust bank account not later than the first banking day following receipt thereof; except:
- (a) Checks received as earnest money deposits when the earnest money agreement states that a check is to be held for a specified length of time or until the occurrence of a specific event; and
- (b) Checks, funds or moneys received as rent, contract payments or mortgage payments on real estate or business opportunities, owned exclusively by the real estate broker or the broker's real estate firm.
- (c) For purposes of this section, Saturday shall not be considered a banking day.
- (6) All checks, funds or moneys received shall be identified by the day received and by the amount, source and purpose on either a cash receipts journal or duplicate receipt retained as a permanent record.
- (7) All deposits to the trust bank account shall be documented by duplicate deposit slip, validated by bank imprint, teller's stamp, or electronic transfer memo identifying the source of funds and transaction to which it applies. Receipt of funds by wire transfer are to be posted in the same manner as other receipts provided there is a traceable identifying number provided by the financial institution or transferring entity. The broker must also make arrangements for a follow-up "hard-copy" receipt for the deposit.
- (8) An individual client's ledger sheet shall be established and maintained for each client for whom funds are received in trust, to which ledger sheet all receipts and disbursements shall be posted. The credit entries must show the date of deposit, amount of deposit, and item covered including, but not limited to "earnest money deposit," "down payment," "rent," "damage deposit,"

- "rent deposit" "interest." The debit entries must show the date of the check, check number, amount of the check, name of payee and item covered. The "item covered" entry may indicate a code number per chart of accounts, or may be documented by entry in a cash receipts journal, cash disbursements journal, or check voucher.
- (9) The real estate trust bank account balance must be equal at all times to the outstanding trust liability to clients. The balance shown in the check register or bank control account must equal the total liability to clients.
- (10) The broker shall be responsible for preparation of a monthly trial balance of the client's ledger, reconciling the ledger with both the trust account bank statement and the trust account check register or bank control account.
- (11) All disbursements of trust funds shall be made by check, or electronic transfer, drawn on the real estate trust bank account and identified thereon to a specific real estate or business opportunity transaction, or collection/management agreement. The number of each check, amount, date, payee, items covered and the specific client's ledger sheet debited must be shown on the check stub or check register and all data must agree exactly with the check as written.
- (a) No disbursement from the trust account shall be made based upon wire transfer receipts until the deposit has been verified.
- (b) The broker must make arrangements with the financial institution in which the trust account is located to provide a follow-up "hard-copy" debit memo when funds are disbursed via wire transfer.
- (c) The broker shall retain in the transaction file a copy of instructions signed by the owner of funds to be wire-transferred which identifies the receiving entity and account number.
- (12) Voided checks written on the trust bank account shall be permanently defaced and shall be retained.
- (13) Commissions owed to another real estate broker may be paid from the real estate trust bank account. Those commissions shall be paid promptly upon receipt of funds. Commissions shared with another broker are a reduction of the gross commissions received.
- (14) No deposits to the real estate trust bank account shall be made of funds:
- (a) That belong to the real estate broker or the real estate firm, including funds to "open" the bank account or to keep the account from being "closed"; or
- (b) That do not pertain to a client's real estate or business opportunity sales transaction or are not received in connection with a client's rental, contract or mortgage collection account.
- (15) No disbursements from the real estate trust bank account shall be made:
- (a) For items not pertaining to a specific real estate or business opportunity transaction or a rental, contract or mortgage collection account;
- (b) Pertaining to a specific real estate or business opportunity transaction or a rental, contract or mortgage collection account in excess of the actual amount held in the real estate trust bank account in connection with that transaction or collection account;

- (c) In payment of a commission owed to any person licensed to the real estate broker or in payment of any business expense of the broker. Payment of commissions to persons licensed to the broker or of any business expense of the broker shall be paid from the regular business bank account of the broker.
- (d) For bank charges of any nature, including bank services, checks or other items, except as specified in WAC 308-124E-013 (1)(a) and (d). Bank charges are business overhead expenses of the broker. Arrangements must be made with the bank to have any such charges applicable to the real estate trust bank account charged to the regular business bank account, or to provide a separate monthly statement of bank charges so that they may be paid from the brokers business bank account.
- (16) The provisions of this chapter are applicable to manual or computerized accounting systems. For clarity, the following is addressed for computer systems:
- (a) The system must provide for a capability to backup all data files.
- (b) Receipt and check registers will be printed at least once monthly and retained as a permanent record. Reconciliation and trial balance will be accomplished at least once monthly, printed and retained as a permanent record.
- (c) The broker will maintain a printed, dated source document file to support any changes to existing accounting records.
- (d) If the program has the ability to write checks, the check number must be pre-printed on the check or retained voucher copy by the supplier. The program may, if desired assign suffixes or subaccount codes before or after the check number for identification purposes.
- (e) The check number must appear in the magnetic coding which also identifies the account number for readability by the financial institution computer.

WSR 90-01-046 PERMANENT RULES DEPARTMENT OF LICENSING (Real Estate Commission)

[Filed December 14, 1989, 11:45 a.m.]

Date of Adoption: December 8, 1989.

Purpose: To specify how funds held in trust shall be disbursed when a property management agreement is terminated.

Citation of Existing Rules Affected by this Order: Amending WAC 308-124E-014 Administration of funds held in trust-Property management.

Statutory Authority for Adoption: RCW 18.85.040. Pursuant to notice filed as WSR 89-22-071 on October 31, 1989.

Effective Date of Rule: Thirty-one days after filing.

December 14, 1989 Mary Faulk Director AMENDATORY SECTION (Amending Order PM 712, filed 3/1/88)

WAC 308-124E-014 ADMINISTRATION OF FUNDS HELD IN TRUST—PROPERTY MANAGEMENT. Any real estate broker who receives funds or moneys from any principal or any party to property management agreement or contract/mortgage collection agreement shall hold the funds or moneys in trust for the purposes of the agreement, and shall not utilize such funds or moneys for the benefit of the broker or any person not entitled to such benefit. These procedures are applicable to property management and contract/mortgage collection agreements, and are in addition to the general trust account procedures in WAC 308-124E-012.

- (1) Bank accounts shall be designated as trust accounts in the firm name of the real estate broker as licensed. Trust bank accounts for property management transactions are exempt from the interest-bearing requirement of RCW 18.85.310. However, interest-bearing accounts for property management transactions may be established as described in this section.
- (a) Interest-bearing trust bank accounts or dividendearning investment accounts containing only funds held on behalf of an individual owner of income property managed by the broker may be established when directed by written property management agreement or directive signed by the owner: PROVIDED, That all interest or earnings shall accrue to the owner;
- (b) Interest-bearing trust bank accounts containing only damage or security deposits received from tenants of residential income properties managed by the broker for an individual owner may be established by the broker when directed by written management agreement, and the interest on such trust bank accounts may be paid to the owner, if the broker is by written agreement designated a "representative of the landlord" under the provisions of RCW 59.18.270, Residential Landlord-Tenant Act;
- (c) The broker is not required to establish individual interest—bearing accounts for each owner when all owners assign the interest to the broker;
- (d) A common account, usually referred to as a "clearing account" may be established if desired. No funds which belong to the broker or firm or are related to transactions on property owned by the broker or firm shall be maintained in this account.
- (2) Any property management accounting system is to be an accounting of cash received and disbursed by the managing broker only. Any other method of accounting offered to owners for their rental properties, unit and/or complexes are to be supplementary to the brokers accounting of all cash received and disbursed through his/her trust account(s). All owners' summary statements must include this accounting.
- (3) The preauthorization of disbursements or deductions by the financial institution for recurring expenses such as mortgage payments on behalf of the owner is not permitted if the account contains tenant security deposits or funds belonging to more than one client.

- (4) A single check may be drawn on the real estate trust bank account, payable to the broker as licensed, in payment of all property management fees and commissions, if such check is supported by a schedule of commissions identified to each individual client. Property management commissions shall be withdrawn at least once monthly.
- (5) No disbursements from the real estate trust bank account shall be made of funds received as damage or security deposit on a lease or rental contract for property managed by the broker to the owner or any other person without the written agreement of the tenant, until the end of the tenancy when the funds are to be disbursed to the person or persons entitled to the funds as provided by the terms of the rental or lease agreement and consistent with the provisions of RCW 59.18.270, Residential Landlord-Tenant Act, or other appropriate statute.
- (6) When the management agreement between the owner(s) and the broker is terminated, the owner(s) funds shall be disbursed according to the agreement. Funds held as damage or security deposits shall be disbursed to the owner(s) or successor property manager, and the tenants so notified by the disbursing broker consistent with the provisions of RCW 59.18.270, Residential Landlord-Tenant Act.

WSR 90-01-047 PERMANENT RULES DEPARTMENT OF LICENSING (Real Estate Commission)

[Filed December 14, 1989, 11:46 a.m.]

Date of Adoption: December 8, 1989.

Purpose: To set out procedures for obtaining clock hour credit.

Citation of Existing Rules Affected by this Order: Amending WAC 308-124H-010 Approval of real estate courses to satisfy clock hour requirements.

Statutory Authority for Adoption: RCW 18.85.040. Pursuant to notice filed as WSR 89-22-072 on October 31, 1989.

Effective Date of Rule: Thirty-one days after filing.

December 14, 1989

Mary Faulk Director

AMENDATORY SECTION (Amending Order PM 683, filed 10/7/87)

WAC 308-124H-010 APPROVAL OF REAL ESTATE COURSES TO SATISFY CLOCK HOUR REQUIREMENTS. To satisfy a requirement for clock hours of instruction pursuant to RCW 18.85.090, 18.85.095, ((and)) 18.85.165, or 18.85.215 ((set forth requirements that applicants for real estate broker's license examinations, real estate salesperson's first license, second renewal of real estate salesperson's license or license activation after three or more years of inactive status, furnish proof to the director that they have successfully completed a specified number of clock hours of instruction in real estate education. The course(s) must

be approved pursuant to this chapter. The thirty-clock hours for salespersons second renewal must be initiated and completed after the date of first license. The purposes of this chapter are to set forth the conditions under which an applicant may meet these educational requirements and the conditions which must be met and the procedure which must be followed if an educational course is to gain approval)) as applicable, a licensee or applicant for license shall submit to the department evidence of satisfactory completion of courses in a manner and on forms prescribed by the department.

(1) All licensees applying for renewal of an active license on or after January 1, 1991, shall, pursuant to RCW 18.85.165, submit evidence of completion of at least thirty clock hours of instruction in a course(s) approved by the director commenced within thirty-six months of a licensee's 1991 renewal date.

(2) All licensees applying for renewal of an active license after December 31, 1991, shall, pursuant to RCW 18.85.165, submit evidence of completion of at least thirty clock hours of instruction in a course(s) approved by the director commenced within thirty-six months of a licensee's renewal date. A minimum of fifteen clock hours must be completed within twenty-four months of any two-year renewal date; up to fifteen clock hours of instruction beyond the thirty clock hours submitted for a previous renewal date may be carried forward to the following renewal date.

(3) Courses previously taken for the "second renewal" requirement pursuant to RCW 18.85.095(2) may be used for continuing education if taken within thirty-six months prior to licensee's renewal date; courses taken to activate an inactive license pursuant to RCW 18.85.215(3) cannot be used to satisfy RCW 18.85.165 for continuing education; courses taken to satisfy broker's educational requirements pursuant to RCW 18.85.090(4) may be used to satisfy RCW 18.85.165 if taken within thirty-six months of a licensee's renewal date in 1991: Subsequent renewals must comply with WAC 308-124H-010(2); courses for clock hour credit pursuant to RCW 18.85.165 shall be commenced after issuance of a first license, except courses for clock hour credit pursuant to RCW 18.85.095 (1)(c) shall be commenced prior to first licensure.

(4) A licensee shall not place a license on inactive status to avoid the requirement of RCW 18.85.165. A licensee shall submit evidence of completion of clock hours pursuant to RCW 18.85.165 to reactivate a license if activation occurs within one year after the license had been placed on inactive status and the last renewal of the license had been as an inactive license.

- (5) Waiver of the clock hours required under RCW 18.85.090, 18.85.095, 18.85.165, 18.85.215 shall not be considered or granted, except as provided in WAC 308–124A-425(3).
 - (6) Clock hour credit shall not be accepted if:
- (a) The course is not approved pursuant to chapter 308-124H WAC and chapter 18.85 RCW;
- (b) Clock hours for license renewal were commenced prior to the date of first licensure;
- (c) The course(s) is a repeat or duplication of course(s) material for which credit had been accepted by

the department the preceding renewal date; except approved courses in real estate law, real estate finance, taxation, and license law, rules and regulations may be repeated for credit;

(d) A course(s) was previously used to satisfy the requirements of RCW 18.85.095 (1)(c); except clock hour credit taken to satisfy RCW 18.85.095 (1)(c) in 1990 may be applied to satisfy RCW 18.85.165 in 1991.

(7) Instructors shall not receive clock hour credit for teaching or course development.

WSR 90-01-048 PROPOSED RULES DEPARTMENT OF LICENSING

[Filed December 14, 1989, 3:45 p.m.]

Original Notice.

Title of Rule: WAC 308-93-010 Definitions; 308-93-050 Vessels exempted from registration, excise tax and titling; 308-93-140 Decals—Placement, size and color; and 308-93-660 Destruction of records by director.

Purpose: WAC 308-93-010, to add a "cruising license" definition as noted in SSB 5009 Section 1 (3)(b); WAC 308-93-050, to add additional exemptions as required by SSB 5009; WAC 308-93-140, to amend rule to include decal size/color requirements and proper placement of vessel decals; and WAC 308-93-660, to authorize destruction of vessel title and registration applications that have been microfilmed, photographed, are more than five years old or are computer updated renewal applications.

Statutory Authority for Adoption: WAC 308-93-010 is RCW 88.02.100; WAC 308-93-050 is RCW 88.02.100; WAC 308-93-140 is RCW 88.02.100; and WAC 308-93-660 is RCW 88.02.070, 88.02.100 and 88.02.120.

Statute Being Implemented: WAC 308-93-010 is RCW 88.02.030; and WAC 308-93-050 is RCW 88.02.030

Summary: WAC 308-93-010, proposed amendment to rule provides a definition of cruising license for title and registration purposes; WAC 308-93-050, proposed rule amendment will add the additional exemptions as listed in SSB 5009, amending RCW 88.02.028; WAC 308-93-140, the proposed rule amendment adds directions for vessel decal size and color; and WAC 308-93-660, this proposed rule will allow destruction of the department's copy of title and registration applications. This will provide additional work space for staff and equipment and substantially reduce paper files.

Reasons Supporting Proposal: WAC 308-93-010, to clarify language; WAC 308-93-050, add exemptions; WAC 308-93-140, explain decal placement; and WAC 308-93-660, add consistency with vehicle registrations.

Name of Agency Personnel Responsible for Drafting: Phyllis Jolliff, 2nd Floor Highways-Licenses Building, 3-6996; Implementation and Enforcement: Nancy Kelly, 2nd Floor Highways-Licenses Building, 3-6920.

Name of Proponent: Department of Licensing, Title and Registration Services, Nancy Kelly, Acting Administrator, governmental.

Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: WAC 308-93-010, this rule amendment adds a Coast Guard approved definition of cruising license; WAC 308-93-050, proposed rule amendment will add the additional exemptions as listed in SSB [5009], amending RCW 88.02.028; WAC 308-93-140, the proposed rule amendment adds directions for vessel decal size and color; and WAC 308-93-660, this proposed rule will allow destruction of the department's copy of title and registration applications. This will provide additional work space for staff and equipment and substantially reduce paper files.

Proposal Changes the Following Existing Rules: WAC 308-93-010, increases definitions from 26 to 27 items listed; and WAC 308-93-140, adds size and color decal requirement, further explains where decals must be placed on the vessel, adds that only the current registration year decals may be displayed.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

Hearing Location: Highways-Licenses Building, 2nd Floor Conference Room, on January 23, 1990, at 9:00 a.m.

Submit Written Comments to: Nancy Kelly, Department of Licensing, P.O. Box 9909, Olympia, WA 98504, by January 22, 1990.

Date of Intended Adoption: February 23, 1990.

December 13, 1989 Mary Faulk Director

AMENDATORY SECTION (Amending Order TL/RG-32, filed 4/22/87)

WAC 308-93-010 DEFINITIONS. Unless the context clearly indicates otherwise, the following definitions apply to the rules in this chapter:

- (1) "Alien vessel" means a vessel owned by a resident of a country other than the United States.
- (2) "Carpenter certificate" means a certificate issued by a manufacturer describing the vessel for which such certificate is issued and certifying the first conveyance of said vessel after its manufacture.
- (3) "Commercial fishing" means operating under a currently valid commercial or charter fishing license.
- (4) "Declaration of value form" means the department of revenue form used when a vessel is acquired by lease or gift, homemade or the most recent purchase price is not known to declare the value for purposes of assessing excise tax.
 - (5) "Director" means the director of the department of licensing.
- (6) "Documented vessel" means a vessel that is documented by the United States Coast Guard and is issued a valid marine certificate.
 - (7) "Exclusively" means solely and without exception.
- (8) "Foreign vessel" means a vessel owned by a resident of another state registered in accordance with the laws of the state in which the owner resides.
- (9) "Legal owner" means a person, business, or institution having a security interest in a vessel perfected in accordance with RCW 46.12-.095 or the registered owner of a vessel unencumbered by a security interest or the lessor of a vessel unencumbered by a security interest.
 - (10) "Lifeboat" means craft used exclusively for lifesaving purposes.
- (11) "Manufacturer's statement of origin (MSO)" means a certificate issued by a manufacturer describing the vessel for which such certificate is issued and certifying the first conveyance of said vessel after its manufacture.

- (12) "Overall length" means a straight line measurement of the overall distance from the foremost point of the vessel to the aftermost part of the vessel, measured parallel to the centerline. Bow sprits, bumpkins or boomkins, rudders, outboard motor brackets, outdrive units, propellers, and similar fittings or attachments are not included in the measurement.
- (13) "Prebill" means the notice to renew a vessel registration that is
- mailed by the department to the registered owner.

 (14) "Previous ownership document" means the last issued certificate of title and/or registration.
- (15) "Primarily" means the principal purpose for which a vessel is used when considered in conjunction with all of its uses.
- (16) "Propulsion machinery" means any device providing motion to a vessel through such means as combustion, steam, or electric
- (17) "Registered owner, owner," synonymous terms used interchangeably, mean a person who has a lawful right to possession of a vessel, whether or not the vessel is subject to a security interest.
- (18) "Tender" means a craft used exclusively to furnish transportation from a larger vessel to shore and return.
- (19) "Use of waters" means to navigate, operate, employ, or moor any vessel upon the waters.
- (20) "Valid marine document" means a document issued by the United States federal government which declares a vessel to be a documented vessel of the United States.
- (21) "Vessel data form" means the information application completed by the applicant showing all required description data for the vessel registration and title.
- (22) "Waters of this state" means any waters within the territorial limits of this state.
- (23) "Time share" charters means leased vessels where none of the parties leasing the vessel under a "time share" option agreement are
- acquiring an equity in the vessel and there is no option to buy.
 (24) "Houseboat" means any vessel as defined in 88.02.010(1) and does not mean any building on a float used in whole or in part for human habitation as a single-family dwelling which is not designed for self propulsion by mechanical means, or for propulsion by means of wind, nor propelled by mechanical means or wind.
- (25) "UCC" means Uniform Commercial Code.
 (26) "UCC search" means a Uniform Commercial Code financing statement search pursuant to RCW 62A.9-407(2).
- (27) "Cruising license" means an annual certificate issued by U.S. customs service pursuant to 19 C.F.R. Sec. 4.94, which exempts pleasure boats from certain countries from formal entry and clearance procedures, from payment of tonnage tax and clearance fees at all but the first port of entry.

AMENDATORY SECTION (Amending Order TL-RG-19, filed 11/19/85)

- WAC 308-93-050 VESSELS EXEMPTED FROM REGIS-TRATION, EXCISE TAX AND TITLING. The following vessels are exempt from registration, titling, and the assessment of excise tax:
- (1) Military or public vessels of the United States, except recreational-type public vessels;
- (2) Vessels owned by a state or subdivision thereof, used principally for governmental purposes and clearly identifiable as such;
- (3) Vessels ((owned by a resident of a country other than the United States if the vessel is not physically located upon the waters of this state for a period of more than sixty days)) either:
- (a) Registered or numbered under the laws of a country other than the United States; or
- (b) Having a valid United States customs service cruising license issued pursuant to 19 C.F.R. Sec. 4.94;
- (4) Vessels owned by a resident of another state if the vessel is registered in accordance with the laws of the state in which the owner resides, but only to the extent that a similar exemption or privilege is granted under the laws of that state for vessels registered in this state: PROVIDED, That any vessel which is validly registered in another state and which is physically located in this state for a period of more than sixty days is subject to registration under this chapter;
- (5) ((A ship's lifeboat used solely for lifesaving purposes;)) Vessels owned by a resident of another state if the vessel is located upon the waters of this state exclusively for repairs or reconstruction, or any testing related to the repair or reconstruction conducted in this state if an employee of the repair facility is on board the vessel during any testing; provided, that any vessel owned by a resident of another state

- is located upon the waters of this state exclusively for repairs, reconstruction, or testing for a period longer than sixty days, that the nonresident shall file an affidavit with the department of revenue verifying the vessel is located upon the waters of this state for repair, reconstruction, or testing and shall continue to file such affidavit every sixty days thereafter while the vessel is located upon the waters of this state exclusively for repairs, reconstruction, or testing;
- (6) All vessels under sixteen feet in overall length which have no propulsion machinery of any type or which are not used on waters subject to the jurisdiction of the United States or on the high seas beyond the territorial seas for vessels owned in the United States and are powered by propulsion machinery of ten or less horsepower;
- (7) Vessels equipped with propulsion machinery of less than ten horsepower that:
- (a) Are owned by the owner of a vessel for which a valid vessel number has been issued:
- (b) Display the number of that numbered vessel followed by the suffix "1" in the manner prescribed by the department; and
- (c) Are used as a tender for direct transportation between that vessel and the shore and for no other purpose;
- (8) Vessels with no propulsion machinery of any type for which the primary mode of propulsion is human power;
- (9) Vessels which are temporarily in this state undergoing repair or alteration:
- (10) Vessels primarily engaged in commerce which have or are required to have a valid marine document as a vessel of the United States, including but not limited to:
 - (a) Commercial fishing vessels;

 - (c) Charter vessels, including, bare boat and time share charters.
- (11) Vessels primarily engaged in commerce which are owned by a resident of a country other than the United States;
 - (12) A vessel not using the waters of this state;
- (13) Commercial vessels which display decals issued annually by the department of revenue.

AMENDATORY SECTION (Amending Order TL/RG-10, filed 10/24/84)

WAC 308-93-140 DECALS-PLACEMENT, SIZE, AND COLOR. Upon registration, the applicant will ((receive)) be issued a registration ((document)) certificate and two decals. ((The)) One decal((s)) must be affixed to each side ((of)) on the forward half of the vessel, except when the registration number is placed as provided by WAC 308-93-145 (2) and (3)((5)). The registration decals must be placed toward the aft of the vessel in line with and within six inches of the registration number. The decals must meet the requirements of subsections (1) and (2) of this section. Only the current registration year decals may be displayed.

- (1) Decals must be approximately three inches square.
- (2) The years in which ((each)) validation stickers expire((s)) must be indicated by the colors((;)) blue, international orange, green, and red, in rotation beginning with blue for stickers that expire in 1985.

NEW SECTION

WAC 308-93-660 DESTRUCTION OF RECORDS BY DI-RECTOR. The director, in her/his discretion, may destroy applications for vessel licenses, copies of vessel licenses issued, certificates of title and registration or other documents, records, supporting papers on file in the department which have been microfilmed or photographed or are more than five years old. If the applications for vessel licenses are renewal applications, the director may destroy such applications when the computer record has been updated.

WSR 90-01-049 NOTICE OF PUBLIC MEETINGS DEPARTMENT OF NATURAL RESOURCES (Board of Natural Resources)

[Memorandum-December 13, 1989]

The Board of Natural Resources meeting regularly scheduled for Tuesday, January 2, 1990, has been rescheduled to be held Wednesday, January 3, 1990, at 9:00 a.m. in the State Board Conference Room in the Old Capitol Building, Olympia, Washington.

WSR 90-01-050 EXECUTIVE ORDER OFFICE OF THE GOVERNOR [EO 89-10]

PROTECTION OF WETLANDS

WHEREAS, wetlands:

- (A) provide, protect and preserve drinking water supplies by purifying surface water and ground water;
- (B) provide a natural means of flood and storm damage protection through the absorption and storage of water during high runoff periods, thereby reducing flood crests and preventing loss of life and property;
- (C) often serve as transition zones between dry land and water courses, thereby retarding soil erosion;
- (D) provide essential breeding, spawning, rearing, feeding, nesting and wintering habitats for a major portion of the state's fish and wildlife;
- (E) provide special vegetation and vegetative communities;
- (F) maintain surface waters through the gradual release of stored flood waters and ground water, particularly during drought periods;
- (G) provide readily accessible outdoor biophysical laboratories, living classrooms, and training and educational resources; and
- (H) provide ecological as well as economic benefits;

WHEREAS, more than fifty percent of the state's original wetlands have been drained, dredged, filled or otherwise altered; and

WHEREAS, over ninety percent of the original saltwater wetlands in some urban estuaries of Puget Sound have been eliminated; and

WHEREAS, wetlands losses statewide are as much as two thousand acres annually; and

WHEREAS, in urban areas in the state of Washington, freshwater wetlands losses are estimated at seventy-five acres per month or more than nine hundred acres per year; and

WHEREAS, the loss of wetlands often leads to economic and ecological harm of the state; and

WHEREAS, wetlands conservation is a matter of state concern, since wetlands of one county may be affected

by activities on rivers, lakes, streams, or wetlands of other counties and because they support migratory animal species which cross local government boundaries; and

WHEREAS, use of artificial structures, such as stormwater treatment systems, to provide wetlands functions and values may be more costly than protection of existing wetlands; and

WHEREAS, there is need for stronger state coordination to ensure wetlands protection;

NOW, THEREFORE, I, Booth Gardner, Governor of the State of Washington, by virtue of the power vested in me, do hereby order:

Section 1. It is the interim goal of my administration to achieve no overall net loss in acreage and function of Washington's remaining wetlands base. It is further the long-term goal to increase the quantity and quality of Washington's wetlands resource base.

Section 2. In the interest of preserving and protecting valuable resources, the Department of Ecology shall provide guidance and each affected state agency shall provide to the Governor an action plan, where appropriate, to lessen the destruction, loss, or degradation of wetlands and to preserve and enhance the natural and beneficial values of wetlands.

Section 3. Each affected state agency shall ensure that it avoids any activities that would adversely affect wetlands, and that unavoidable impacts are adequately mitigated.

<u>Section 4.</u> To meet the long-term goal of this order, each affected state agency, in pursuing its agency mandate, should seek opportunities for voluntary wetlands restoration and creation of additional wetlands.

Section 5. In carrying out the intent of this order, each affected state agency shall consider the ecologic and hydrologic benefits provided by wetlands. Each affected state agency shall strive to prevent environmental and economic harm that results from continuing loss of wetlands, consistent with human health and safety and the general welfare of the state.

<u>Section 6.</u> Each affected state agency shall encourage sensitive site design and planning on a watershed basis, where appropriate, to avoid or minimize damage to wetlands.

<u>Section 7.</u> Each affected agency shall, when possible, direct its agency-mandated activities not dependent upon wetlands locations to suitable upland locations.

Section 8. Nothing in this Executive Order shall apply to assistance provided for emergency work that is essential to save lives and protect property and public health and safety.

IN WITNESS WHERE-OF, I have hereunto set my hand and caused the Seal of the State of Washington to be affixed at Olympia this 11th day of December, A.D., nineteen hundred and eighty-nine.

Booth Gardner

Governor of Washington

BY THE GOVERNOR:

Teri A. Yount

Acting Deputy Secretary of State

WSR 90-01-051 RULES COORDINATOR DEPARTMENT OF SOCIAL AND HEALTH SERVICES

[Filed December 15, 1989, 10:50 a.m.]

In accordance with RCW 34.05.310, the rules coordinator for the Department of Social and Health Services is Linda Zacharias, 3rd Floor, Office Building 2, Mailstop OB-33H, Olympia, Washington 98504, phone (206) 753-2377 or 234-2377 scan.

WSR 90-01-052 PERMANENT RULES DEPARTMENT OF SOCIAL AND HEALTH SERVICES (Public Assistance)

[Order 2917—Filed December 15, 1989, 10:53 a.m.]

Date of Adoption: December 15, 1989.

Purpose: To comply with new state requirements effective July 1, 1989, and federal law, OBRA 1987, P.L. 100-203, effective October 1, 1989, regarding sanctions to be imposed against nursing homes for failure to meet state and federal Medicaid requirements.

Citation of Existing Rules Affected by this Order: Repealing WAC 388-98-005, 388-98-800 and 388-98-850; and amending WAC 388-98-001, 388-98-010, 388-98-015, 388-98-020 and 388-98-700.

Statutory Authority for Adoption: Section 8, chapter 372, Laws of 1989.

Pursuant to notice filed as WSR 89-21-024 on October 10, 1989.

Changes Other than Editing from Proposed to Adopted Version: WAC 388-98-001(3), the term "decertification" is changed to "termination" per the suggestion of Region X federal staff. It more accurately reflects the activity; WAC 388-98-001 (20)(a)(vii) and (b), WAC 388-98-800 is repealed in these proposed rules. Reference to WAC 388-98-800 is therefore eliminated from

the adopted version and replaced with the RCW reference, chapter 18.51, 74.42 RCW; WAC 388-98-010(5), deleted, no longer relevant; WAC 388-98-010 (5)(e), deleted, too restrictive to potential receivers; WAC 388-98-320(d), deleted, too restrictive to potential receivers; WAC 388-98-320 (g) and (h), deleted, no longer relevant; WAC 388-98-330(c), "current" revenues is added to limit the temporary manager's access to facility resources; WAC 388-98-330(d), the phrase "are approved by the department" was inadvertently eliminated from the earlier version; WAC 388-98-750 (2)(a), the time frame for requesting a hearing is changed to 20 days to avoid conflict with section 8, chapter 372, Laws of 1989. This was an error in the proposed version; WAC 388-98-750 (2)(a)(i), the words "a method" are added to clarify the mechanisms for proof of receipt; and WAC 388-98-750 (1)(f)(g), additional remedies listed in WAC 388-98-003 were inadvertently omitted from this section.

Effective Date of Rule: Thirty-one days after filing.

December 15, 1989

Leslie F. James, Director

Administrative Services

AMENDATORY SECTION (Amending Order 2546, filed 10/9/87)

WAC 388-98-001 DEFINITIONS. (1) For purposes of this section, the following words or phrases shall have the following meanings unless the context clearly indicates otherwise:

- (2) "Applicant" means an individual, partnership, corporation, or other legal entity seeking a license to operate a nursing home.
- (3) "Deficiency" means ((any practice, action, procedure, or condition in a nursing home violating)) a finding by the department of a violation of professional standards of practice, ((relevant statutes, or regulations and which the department documents in writing indicating the part or parts of chapters 18.51 or 74.42 RCW or rules and regulations established under them, including but not limited to chapter 248-14 WAC, not being met)) the requirements of chapters 18.51 or 74.42 RCW, or the standards, rules, and regulations established under them or in the case of a Medicaid contractor, violation of Medicaid requirements of Title XIX of the Social Security Act, as amended, and regulations promulgated thereunder.
- (4) "Denial of payment" means a department decision not to pay for new Medicaid admissions to a nursing home.
- (5) "Department" means the nursing home licensing agency of the state department of social and health services.
- $((\frac{5}{)}))$ (6) "Director" means an individual elected or appointed as director of a corporation.
- (((6))) (7) "Emergency closure" means a department order to immediately close a nursing home.
- (8) "Emergency transfer" means a department order to immediately transfer specified residents or all residents from a nursing home to safe settings.
- (9) "Highest practicable physical, mental, or psychosocial well being" means the highest level of functioning

- and well being possible to be achieved for a resident limited by the resident's presenting functional status and potential for improvement or reduced rate of degeneration. Highest practicable is not a diagnostic, prospective, delineating determination made without aggressive, competent efforts to halt degenerative processes and to achieve or restore independent free choice functioning. It is achieved through functional assessment and aggressive, competent addressing of the individual's physical, mental, and psychosocial needs.
- (10) "Licensed nursing home" means a nursing home licensed ((pursuant to)) under chapter 18.51 RCW.
- (((7))) (11) "Licensee" means an individual, partnership, corporation, or other legal entity ((to whom a license)) licensed to operate a nursing home ((has been granted)) or a person subject to ((such)) licensure as determined by the department ((but)). This does not include ((any)) an employee of ((such)) a licensee or person unless that employee is an owner of five percent or more of the licensed entity assets ((of the licensed entity)).
- (((8))) (12) "Licensee's agent" means the designated nursing home administrator, or an individual ((allowed)) designated to perform managerial functions in ((his or her)) the administrator's absence.
- $((\frac{9}))$ (13) "Officer" means an individual appointed as an officer of a corporation.
- (((10))) <u>(14)</u> "Owner of five percent or more of the assets of a nursing home" means:
- (a) In the case of a sole proprietorship, the owner, or if owned as community property, the owner and ((his or her)) owner's spouse; ((or))
- (b) In the case of a corporation, the owner of at least five percent of the capital stock of ((said)) a corporation; or
- (c) In the case of ((any)) other types of business ((entity)) entities, the owner of a beneficial interest in at least five percent of the capital assets of ((such)) an entity.
- (((11))) (15) "Partner" means an individual in a partnership owning or operating a nursing home.
- (((12))) (16) "Plan of correction" means a written statement specifying:
- (a) How ((cited deficiencies)) the nursing home will ((be corrected,)) correct the cited deficiencies;
- (b) The date by which the correction will be made((7)); and
- (c) Who ((will be)) is responsible for assuring the correction.
- (((13))) (17) "Reasonable time" means a period of time determined by the department and noted in the plan of correction. In determining the length of ((the period of)) time for correction of each deficiency, the department ((will consider)) considers:
- (a) The gravity of the deficiency, including the severity and immediacy of the actual or potential harm to ((any)) residents;
- (b) The required financial and personnel resources necessary to correct the deficiency; and

- (c) The minimum amount of time practicably required to correct the deficiency.
- (((14))) (18) "Receivership" means a court action resulting in the removal of a nursing home's current operator and the appointment of a substitute operator to temporarily manage and operate the nursing home.
 - (19) "Retaliate":
- (a) Retaliate against a resident means ((any)) an act including, but not limited to:
 - (i) Verbal or physical harassment or abuse;
- (ii) Nonmedically indicated social, dietary, or mobility restriction;
- (iii) Lessening of the level of care not medically appropriate;
- (iv) A nonvoluntary relocation within a nursing home without appropriate medical, psychosocial, or nursing justification;
 - (v) Neglect or negligent treatment;
 - (vi) Withholding of privileges; or
- (vii) ((Any)) Infringement ((upon)) on a resident's rights as described in WAC 248-14-247((, occurring as a result of resident actions described in WAC 388-98-800 (2)(i))) and chapter 74.42 RCW.
- (b) Retaliate against an employee means ((any)) an act including, but not limited to, harassment, firing, demotion, disciplinary action, or nonvoluntary reassignment or rescheduling occurring as a result of employee actions described in ((WAC 388-98-800 (2)(i))) section 220, chapter 18.51 RCW.
- (c) A rebuttable presumption is raised that retaliation has occurred if a condition described in subsection 388–98–001 (14)(a) of this section definition occurs within one year of the resident's actions described in WAC 388–98–800 (2)(i).
- (((15))) (20) "Severity" means the seriousness of a deficiency as determined by the:
- (a) Actual or potential negative outcomes for residents or resident rights violations; or
- (b) Extent to which the resident's highest practicable physical, mental, or psychosocial well being is compromised or threatened.
- (21) "Scope" means the frequency, incidence, or extent of the occurrence of a deficiency.
- (22) "Stop placement" means action instituted by the department prohibiting nursing home admissions, readmissions, and transfers of ((individual)) patients.
- (23) "Temporary management" means the department temporarily appoints a substitute manager or operator with authority to hire, terminate, or reassign staff, obligate current facility revenues, alter procedures as appropriate, or otherwise manage the facility as necessary to:
 - (a) Correct deficiencies; or
 - (b) Close the facility in a safe and orderly manner.
 - (24) "Termination" means a department decision to:
- (a) Terminate or not renew a nursing home's Medicaid certification and contract; or
- (b) Recommend the federal Health Care Financing Administration terminate or not renew a nursing home's Medicaid and/or Medicare certification and contracts.

AMENDATORY SECTION (Amending Order 2603, filed 3/2/88)

WAC 388-98-010 LIST OF QUALIFIED RE-CEIVERS. (1) The department may recruit individuals, partnerships, and corporations interested in serving as a receiver of a nursing home. Recruitment may be ((in the form of)) by personal letters, telephone, radio or television announcements, or advertisements in publications determined suitable by the department.

- (2) ((Any)) Individuals, partnerships, or corporations ((desiring to be)) interested in being appointed as a receiver shall complete ((the sections)) designated ((by the department)) sections of ((an)) a nursing home license application ((for a nursing home license)).
- (3) ((Any)) Individuals, partnerships, or corporations with experience in providing long-term health care and a history of satisfactory nursing home operation ((of a nursing home)) may submit ((an)) a receiver application to the department at any time ((to serve as a receiver)). Applicants shall be subject to the criteria established for licensees found in WAC 248-14-080, except the department may waive ((on a case-by-case basis)) the requirement for having ((60)) sixty days to review the application.
- (4) The department shall maintain a list of ((qualified)) potential receivers. The department shall add names of ((qualified)) applicants to the list upon receipt of ((an)) applications properly completed by ((the applicant and approved by the department. The department shall update the list by July 1 of each year. Updating shall verify:
 - (a) Information on the application is still current; and
- (b) The individual, partnership, or corporation remains interested in serving as a receiver)) applicants.
- (5) ((Individuals, partnerships, or corporations failing to update their application as requested by the department shall not be considered as potential receivers unless a new application is submitted to the department.
- (6))) The department shall not consider as a receiver any person, partnership, or corporation which:
- (a) Is the licensee, administrator, or partner, officer, director, managing employee, or owner of five percent or more of the assets of the nursing home subject to receivership; ((or))
- (b) Is affiliated with the nursing home subject to receivership; ((or))
- (c) <u>Has a financial interest in the nursing home before</u> the time of appointment; or
- (d) Has owned or operated a nursing home ((that has been)) ordered into receivership or temporary management in any state((; or
- (d) Has owned or operated a nursing home against which decertification action or licensure suspension or revocation proceedings have been initiated or have been in effect within two years preceding the filing of the receivership petition)).
- (((7))) (6) The department may recommend a receiver to the court ((a receiver from the list)). In making the recommendation, ((any)) one or more of the following factors may be considered:

- (a) ((The)) Potential receiver's willingness to serve as a receiver for the nursing home in question;
- (b) ((The)) Amount and quality of the potential receiver's experience in long term care;
- (c) ((The)) Quality of care, as determined by prior survey reports, provided under the potential receiver's supervision or management;
- (d) ((The)) Potential receiver's prior performance as a receiver:
- (e) How soon ((the)) potential receiver ((would be)) is available to act as a receiver;
- (f) ((The)) Potential receiver's familiarity and past compliance with ((Washington)) state and federal regulations applicable to nursing homes;
- (g) ((The)) Potential receiver's economic potential and interest in operating the nursing home on a permanent basis; and
- (h) Preference may be given to potential receivers expressing an interest in the permanent operation of the nursing home.

AMENDATORY SECTION (Amending Order 2603, filed 3/2/88)

WAC 388-98-015 DUTIES AND POWERS OF RECEIVER. (1) The receiver shall protect the health, security, and welfare of the residents for the duration of the receivership. The receiver shall perform all acts reasonably necessary to ensure residents' needs are met. Such acts may include, but are not limited to:

- (a) Correcting deficiencies cited by the department;
- (b) Hiring, directing, managing, and discharging all consultants and employees for just cause, discharging the administrator of the nursing home, recognizing collective bargaining agreements, and settling labor disputes;
- (c) Receiving and expending in a prudent and businesslike manner all revenues and financial resources of the home, provided that priority shall be given to debts and expenditures directly related to providing care and meeting residents' needs;
- (d) Making necessary purchases, repairs, and replacements, provided that expenditures for purchases, repairs, or replacements in excess of five thousand dollars are approved by the court;
- (e) Entering into contracts necessary for the operation of the nursing home; PROVIDED That, ((any)) contracts extending beyond the period of receivership shall be approved by the court;
 - (f) Preparing all reports required by the department;
- (g) Planning with residents and their guardians, family, or significant others, ((any)) required relocation;
- (h) Meeting regularly with staff, residents, and residents' families to inform them of:
 - (i) Plans for correcting the deficiencies((;));
 - (ii) Progress achieved in correction((;));
 - (iii) Plans for facility closure and relocation((;)); or
- (iv) Plans for continued operation of the nursing home including the identity of the permanent operator.
- (2) The receiver shall consult the court in cases of extraordinary or questionable debts incurred prior to the receiver's appointment and shall not have the power to

close the home or sell any of the nursing home's assets ((of the home)) without prior court approval.

- (3) The receiver shall comply with ((all)) applicable state and federal laws and regulations. If the nursing home is certified and is providing care to medical assistance clients, the receiver shall become the Medicaid contractor for the duration of the receivership period.
- (((a) A receiver for a skilled or intermediate care nursing home shall be responsible for complying with the provisions of chapter 74.46 RCW and chapter 388-96 WAC:
- (b) A receiver for an intermediate care facility for the mentally retarded (ICF/MR) shall be responsible for complying with the provisions of chapter 74.09 RCW and chapter 275-38 WAC.
- (4) The receiver shall be responsible and liable only for the receiver's own gross negligence, intentional wrongdoing, or breach of fiduciary duty to either the residents of the nursing home or the current or former licensee or owner of the nursing home.))

AMENDATORY SECTION (Amending Order 2603, filed 3/2/88)

WAC 388-98-020 TERMINATION OF RE-CEIVERSHIP. (1) ((The department shall recommend to the court the receivership be terminated:

- (a) After the end of the appointed term unless good cause is shown to continue the receivership. Good cause for continuing the receivership exists when:
- (i) Returning the nursing home to its former operator would subject the residents to a threat to their health, safety, or welfare; and
- (ii) A credible replacement operator has entered into an enforceable agreement to purchase or operate the nursing home by a date acceptable to the department, but has not yet taken possession or control; or
- (b) When all residents have been transferred and the nursing home is closed; or
- (c) When all deficiencies which threaten the health, safety, or welfare of the residents have been eliminated and the former operator or owner has agreed to conditions specified by the department regarding the continued operation of the facility; or
- (d) When a new licensed operator or owner is available to assume control of the nursing home.
- ((shall)) After receivership is established, the department ((shall)) may recommend to the court that all residents be relocated and the nursing home closed when:
- (a) Problems exist in the physical condition of the premises which cannot be corrected in an economically prudent manner; or
- (b) The department determines the former operator or owner:
- (i) Is unwilling or unable to manage the nursing home in a manner ((which ensures)) ensuring residents' health, safety, and welfare; and
- (ii) Has not entered into an enforceable agreement to sell the nursing home within three months of the court's decision to grant receivership.
- (((3))) (2) The department may recommend to the court an alternate receiver be appointed:

- (a) When the receiver is no longer willing to serve as a receiver; or
- (b) If a receiver is not making acceptable progress in correcting the deficiencies in the nursing home.

NEW SECTION

WAC 388-98-300 TEMPORARY MANAGE-MENT. (1) When the department appoints a temporary manager, the:

- (a) Department shall order the licensee to cease operating the nursing home:
- (b) Department shall order the licensee to turn over to the temporary manager possession and control of the nursing home including, but not limited to, all patient care records, financial records, and other records necessary for continued operation of the nursing home while temporary management is in effect; and
- (c) Temporary manager shall have authority to temporarily relocate some or all residents if the:
- (i) Temporary manager determines the resident's health, security, or welfare is jeopardized; and
- (ii) Department concurs with the temporary manager's determination that relocation is necessary.
- (2) The department's authority to order temporary management is discretionary in all cases.

NEW SECTION

WAC 388-98-320 TEMPORARY MANAGERS—APPLICATION. (1) The department may recruit individuals, partnerships, and corporations interested in serving as a temporary nursing home manager.

- (2) Individuals, partnerships, or corporations interested in being appointed as a temporary manager shall complete and submit to the department designated sections of a nursing home license application.
- (3) Individuals, partnerships, or corporations with experience in providing long-term health care and a history of satisfactory nursing home operation may submit an application to the department at any time. Applicants shall be subject to the criteria established for licensees found in WAC 248-14-080, except the department may waive the requirement for having sixty days to review the application.
- (4) The department shall not consider as a temporary manager a person, partnership, or corporation which:
- (a) Is the licensee, administrator, or partner, officer, director, managing employee, or owner of five percent or more of the assets of the nursing home subject to temporary management;
- (b) Is affiliated with the nursing home subject to temporary management; or
- (c) Has owned or operated a nursing home ordered into temporary management or receivership in any state.
- (5) The department, in appointing a temporary manager, may consider one or more of the following factors:
- (a) Potential temporary manager's willingness to serve as a temporary manager for the nursing home in question;
- (b) Amount and quality of the potential temporary manager's experience in long_term care;

- (c) Quality of care, as determined by prior survey reports, provided under the potential temporary manager's supervision or management;
- (d) Potential temporary manager's prior performance as a temporary manager or receiver;
- (e) How soon the potential temporary manager is available to act as a temporary manager;
- (f) Potential temporary manager's familiarity and past compliance with state and federal regulations applicable to nursing homes.

Reviser's note: The unnecessary underscoring in the above section occurred in the copy filed by the agency and appears in the Register pursuant to the requirements of RCW 34.08.040.

NEW SECTION

WAC 388-98-330 DUTIES AND POWERS OF TEMPORARY MANAGER. (1) The temporary manager shall protect the health, security, and welfare of the residents for the duration of the temporary management. The temporary manager shall perform all acts reasonably necessary to ensure residents' needs are met. Such acts may include, but are not limited to:

- (a) Correcting department-cited deficiencies;
- (b) Hiring, directing, managing, and discharging all consultants and employees for just cause, discharging the administrator of the nursing home, recognizing collective bargaining agreements, and settling labor disputes;
- (c) Receiving and expending in a prudent and business-like manner all current revenues of the home provided priority shall be given to debts and expenditures directly related to providing care and meeting residents' needs:
- (d) Making necessary purchases, repairs, and replacements, provided such expenditures in excess of five thousand dollars are approved by the department;
- (e) Entering into contracts necessary for the operation of the nursing home;
 - (f) Preparing all department-required reports;
- (g) Planning required relocation with residents and residents' guardians, family, or significant others;
- (h) Meeting regularly with and informing staff, residents, and residents' families of:
 - (i) Plans for correcting the deficiencies;
 - (ii) Progress achieved in correction;
 - (iii) Plans for facility closure and relocation; or
- (iv) Plans for continued operation of the nursing home including the identity of the permanent operator.
- (2) The temporary manager shall make a detailed monthly accounting of all expenditures and liabilities to the department and to the owner of the nursing home.
- (3) The temporary manager shall comply with all applicable state and federal laws and regulations. If the nursing home is certified and is providing care to medical assistance clients, the temporary manager shall become the Medicaid contractor for the duration of the temporary management period.
- (4) The temporary manager shall be responsible and liable only for the temporary manager's gross negligence, intentional wrongdoing, or breach of fiduciary duty to either the nursing home residents or the current or former licensee or nursing home owner.

NEW SECTION

WAC 388-98-340 TERMINATION OF TEM-PORARY MANAGEMENT. (1) The department shall terminate temporary management:

- (a) After three months unless good cause is shown to continue the temporary management. Good cause for continuing the temporary management exists when returning the nursing home to its former operator would subject residents to a threat to health, safety, or welfare;
- (b) When all residents are transferred and the nursing home is closed;
- (c) When deficiencies threatening residents' health, safety, or welfare are eliminated and the former operator or owner agrees to department-specified conditions regarding the continued facility operation; or
- (d) When a new, licensed operator assumes control of the nursing home.
- (2) The department may appoint an alternate temporary manager:
- (a) When the temporary manager is no longer willing to serve as a temporary manager;
- (b) If a temporary manager is not making acceptable progress in correcting the nursing home deficiencies or in closing the nursing home; or
- (c) If the department determines the temporary manager is not operating the nursing home in a financially responsible manner.

AMENDATORY SECTION (Amending Order 2546, filed 10/9/87)

WAC 388-98-700 STOP PLACEMENT—IN-FORMAL REVIEW. (((1) The department shall institute a stop placement on a nursing home, effective on a date specified by the department, when the department determines:

- (a) The nursing home no longer substantially meets the requirements of:
 - (i) 42 U.S.C. § 1395 x(j), or
 - (ii) 42 U.S.C. § 1396 d(c), or
 - (iii) Chapter 18.51 RCW, or
 - (iv) Chapter 74.42 RCW, or
- (v) Any federal or state regulation or regulations adopted under authority of the above referenced statutes:
 - (b) The deficiency or deficiencies in the nursing home:
- (i) Jeopardize the health and safety of the residents,
- (ii) Seriously limit the nursing home's capacity to provide adequate care.
- (2) When the department has initiated a stop placement, the department may approve a readmission to the nursing home from the hospital when the department determines the readmission would be in the best interest of the individual resident seeking readmission.
- (3) The department shall terminate the stop placement when:
- (a) The provider states in writing that the deficiencies necessitating the stop placement action have been corrected; and
- (b) Department staff confirms in a timely fashion not to exceed fifteen working days:

- (i) The deficiencies necessitating the stop placement action have been corrected, and
- (ii) The provider exhibits the capacity to continue to deliver adequate care and service:
- (4))) A nursing home ((provider)) licensee shall have the right to an informal review to present written evidence ((to refute)) refuting the deficiencies cited as the basis for ((the)) a stop placement. If an informal review is desired, the nursing home shall request the informal review, in writing, within ten days of the effective date of the stop placement. The request shall be made to the director, ((residential rates and licensure)) nursing home services, aging and adult services administration. The right to an informal review is in addition to the licensee's right to a hearing, as provided in section 750.
- (((5)(a) The nursing home has the right to a contested case hearing to appeal a stop placement. If a hearing is requested, the nursing home shall request the hearing in writing and shall:
- (i) Deliver the request by personal service or certified mail to the office of hearings, P.O. Box 2465, Olympia, WA 98504:
- (A) If no informal review was requested, the nursing home shall deliver the request within ten days of the effective date of the stop placement;
- (B) If an informal review was requested, the nursing home shall deliver the request within ten days of the date the informal review determination was mailed; or
- (C) If an informal review was requested and the determination was personally served or orally communicated, the nursing home shall deliver the request within ten days of the date the determination was served or communicated.
 - (ii) Include in or with the request:
- (A) A specific statement of the issue or issues and law or laws involved;
- (B) The grounds for contending the stop placement is erroneous;
 - (C) A copy of the stop placement notice; and
- (D) Either the informal review determination or a statement where an informal review has not been, and will not be, requested.
- (b) The hearing shall be governed by chapters 10-08 and 388-08 WAC. If any provision of this section conflicts with chapter 388-08 WAC, the provision in this section applies. The decision making procedure shall be the initial decision, petition for review, and review-decision procedure. The administrative law and review judges shall act on stop placement cases expeditiously.
- (6)(a) The department shall not delay or suspend a stop placement because the nursing home requests a contested hearing or an informal review.
 - (b) The stop placement shall remain in effect until:
 - (i) The department terminates the stop placement,
- (ii) Fourteen days after a initial decision terminating the stop placement is mailed and the department does not file a petition for administrative review, or
- (iii) A review decision terminating the stop placement is mailed.))

Reviser's note: The typographical error in the above section occurred in the copy filed by the agency and appears in the Register pursuant to the requirements of RCW 34.08.040.

NEW SECTION

WAC 388-98-750 NOTICE AND HEARING RIGHTS. (1) This subsection shall apply to the department's imposition of the following remedies:

- (a) License suspension, revocation, or nonrenewal;
- (b) Stop placement;
- (c) Civil monetary penalty;
- (d) Denial of payment;
- (e) Appointment of a temporary manager;
- (f) Emergency transfer of residents; and
- (g) Emergency closure.
- (2) The department's notice of a decision to impose a remedy is governed by RCW 18.51.065 and 43.20A.XXX and section 96, chapter 175, laws of 1989. The licensee's or agent's right to an adjudicative proceeding is in the same law.
- (a) A person contesting any decision described in subsection (1) of this section shall within twenty days of receipt of the decision:
- (i) File a written application for an adjudicative proceeding by a method showing proof of receipt with the Office of Appeals, P.O. Box 2465, Olympia, WA 98504; and
 - (ii) Include in or with the application:
 - (A) A specific statement of the issue and law involved;
- (B) The grounds for contesting the department decision; and
 - (C) A copy of the contested department decision.
- (b) The proceeding shall be governed by the Administrative Procedure Act (chapter 34.05 RCW); RCW 18-.51.065 and 43.20A.XXX; and section 96, chapter 175, Laws of 1989; this section; and chapter 388-08 WAC. If any provision in this section conflicts with chapter 388-08 WAC, the provision in this section governs.
- (3) When a licensee fails to pay a fine when due under this chapter, the department may:
- (a) Withhold an amount equal to the fine plus interest, if any, from the licensee's Medicaid payment;
- (b) Suspend the licensee's nursing home license. Such license suspension shall continue until the fine is paid; or
- (c) Impose an additional civil monetary penalty, under WAC 388-98-003 (1)(g).

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 388-98-005 RECEIVERSHIP.

WAC 388-98-800 APPLICABILITY OF CIVIL FINES.

WAC 388-98-850 IMPOSITION AND PAY-MENT OF FINES.

WSR 90-01-053 PERMANENT RULES DEPARTMENT OF SOCIAL AND HEALTH SERVICES (Public Assistance)

[Order 2916-Filed December 15, 1989, 10:56 a.m.]

Date of Adoption: December 15, 1989.

Purpose: To incorporate rules for services to the chemical-using pregnant Medicaid recipient. To delete that the department has special Involuntary Treatment Act rates. To rewrite for easier readability.

Citation of Existing Rules Affected by this Order: Amending WAC 388-86-050, 388-87-027 and 388-87-070.

Statutory Authority for Adoption: RCW 74.08.090. Pursuant to notice filed as WSR 89-22-083 on October 31, 1989.

Effective Date of Rule: Thirty-one days after filing.

December 15, 1989 Leslie F. James, Director Administrative Services

AMENDATORY SECTION (Amending Order 2649, filed 7/8/88)

WAC 388-86-050 INPATIENT HOSPITAL CARE. (1) The division of medical assistance shall provide hospitalization for recipients ((under sixty-five years of age and for recipients sixty-five years of age and over who have exhausted Medicare benefits:)), with the exceptions and limitations in ((WAC 388-86-051)) this section.

- (2) The recipient shall have free choice of hospitalization with exceptions and limitations in WAC 388-86-051
- (((2))) (3) The division of medical assistance shall require prior approval for nonemergent hospital admissions.
- $((\frac{3}{3}))$ (4) The division of medical assistance shall $(\frac{3}{3})$ approve for recipients:
 - (a) Hospital admission((5));
 - (b) Length of stay((, and/or));
 - (c) Services ((for all recipients.)); or
 - ((4))) (d) Both length of stay((:)) and services.
- (((a))) (5) The division of medical assistance shall limit ((authorization)) approval for inpatient hospital care((:
- (i)) in hospitals ((excepted)) exempted from the diagnosis-related group (DRG) based ((pricing)) payment system((:
- (ii))) to the number of days established at the ((75th)) seventy-fifth percentile in the 1983 edition of the publication Length of Stay in PAS Hospitals, by Diagnosis United States Western Region((:)) ((and
 - (iii))) unless the department has a:
- (a) Prior ((contractual)) contract arrangement((s are made by the department)) for a specified length of stay; or
- (b) The length of stay is specified under subsection (7) of this section.

- (((tb))) (6) When a recipient's hospitalization ((of a recipient)) exceeds the number of days ((as limited)) allowed by ((this)) subsection (5)(a) and (b) of this section, the hospital shall, within sixty days ((of the final service)) after discharge, submit to the central authorization unit (CAU) a request for approval of ((the extension)) extra days:
 - (((i))) (a) With adequate justification; and
 - (((ii))) (b) Signed by the attending physician.
 - (((5))) (7) The department shall provide:
- (a) For the chemical-using pregnant Medicaid recipient, up to twenty-six days of inpatient hospital care;
 - (i) Hospital-based detoxification;
 - (ii) Medical stabilization; and
 - (iii) Drug treatment.
 - (b) Care when:
- (i) Need for the inpatient care is verified through an Alcohol, Drug Addiction and Treatment Support Act (ADATSA) assessment center;
- (ii) The hospital chemical dependency treatment unit is certified by the division of alcohol and substance abuse; and
- (iii) The division of medical assistance gives prior authorization.
- (8) The division shall cover eligible recipients for involuntary admissions for acute psychiatric conditions and reimburse using the DRG payment methodology ((see)) as described under WAC 388-87-070(())).
 - (((6))) (9) The department shall ((not)):
- (a) Pay for care in a private psychiatric hospital ((that has not been)) only if the hospital is certified under Title XVIII((. Authorization for)); and
- (b) Authorize the admission of an eligible individual to a private psychiatric hospital ((shall be)) under the same conditions and program limitations as for treatment of psychiatric conditions in a general hospital.
- (((7))) (10) ((The department shall make Medicaid payment for care in a state mental institution)) For categorically needy and medically needy ((individuals)) recipients under twenty-one years of age and ((age)) sixty-five years of age and older((:
- (8) The department shall make Medicaid payments for care in an approved psychiatric facility for categorically needy and medically needy individuals under twenty-one years of age)), the department shall make Medicaid payments for care in:
 - (a) A state mental institution; or
 - (b) An approved psychiatric facility.
- (((9))) (11) The department shall pay hospitalization for Medicare recipients only when the medical recipients exhaust Medicare benefits.
 - (12) The department shall:
- (a) Provide for hospitalization for the treatment of acute and chronic renal failure((. The department shall)); and
- (b) Pay only deductibles and coinsurance for a recipient who is:
 - (((a))) (i) ((Who is)) A Medicare beneficiary; and
- (((b))) (ii) ((Who is)) Hospitalized for such treatment or for kidney transplant.
- (((10))) <u>(13)</u> The department shall not pay for hospital days prior to one day before scheduled surgery.

 $((\frac{11}{11}))$ (14) The department shall:

- (a) Approve hospitalization of a recipient based on ((the recipient's need for)) semi-private ((accommodations)) room rates; and ((shall))
- (b) Reimburse at the multiple occupancy rate, regardless of ((accommodations)) the room provided by the hospital((: The department shall establish special rates for recipients covered by the Involuntary Treatment Act.)); and
- (c) Define a semi-private ((accommodations mean)) room as not less than a two-bed nor more than a four-bed room.
- (((12))) (15) The department shall cover medically necessary services provided in a hospital ((in connection with)) for the care or treatment of teeth, jaws, or structures directly supporting the teeth if the procedure requires hospitalization. Services covered under this subsection shall be furnished under the direction of a physician or dentist.

AMENDATORY SECTION (Amending Order 2600, filed 3/2/88)

WAC 388-87-027 SERVICES REQUIRING PRIOR APPROVAL. (1) The following services require prior approval:

- (a) Nonemergent surgical procedures ((= see)) as described under WAC 388-86-095;
- (b) Prosthetic devices and durable medical equipment and nonreusable medical equipment ((- see)) as described under WAC 388-86-100;
 - (c) All out-of-state air transportation;
 - (d) Allergy testing;
 - (e) Apnea monitoring;
- (f) Drugs not listed in the departmental formulary or ((any)) <u>a</u> single prescription exceeding the maximum limits established ((= sec)) <u>as described under WAC 388-91-020;</u>
 - (g) Home ventilator therapy;
 - (h) Medical eye care services;
- (i) Nonemergent hospital admissions ((= see)) as described under WAC 388-86-050 and 388-87-070;
- (j) Detoxification, medical stabilization, and drug treatment for the pregnant Medicaid recipient as described under WAC 388-86-050;
- (k) Transportation (other than ambulance) ((-see)) as described under WAC 388-86-085;
- (((t))) (m) Out-of-state medical care ((which is)) not available within Washington state as described under WAC 388-86-115;
- (((m))) (n) Physical medicine, rehabilitation and treatment ((= see)) as described under WAC 388-86-112;
- $((\frac{(n)}{n}))$ (o) Physical therapy services $((\frac{-\sec}{n}))$ as described under WAC $((\frac{388-86-070}{n}))$ 388-86-090;
- (((0))) (<u>p)</u> Private duty nursing services ((- see)) <u>as</u> described <u>under</u> WAC 388-86-071;
- (((p))) (q) Speech therapy, both the initial evaluation and subsequent therapy ((- see)) as described under WAC 388-86-098;

- $((\frac{q}{q}))$ (r) Total parenteral/enteral nutritional therapy.
- (2) The division of medical assistance may approve where there are significant handicapping factors:
- (a) The purchase of a hearing aid when the 50 decibel loss in the better ear is not met; or
- (b) A second hearing aid ((and/or)) or a replacement or both.
- (((3) On an exception basis approval may be granted, for services listed in this section, after the service(s) has been rendered.))

AMENDATORY SECTION (Amending Order 2594, filed 1/29/88)

WAC 388-87-070 PAYMENT—HOSPITAL IN-PATIENT SERVICES. (1) The department shall pay hospital costs of categorically needy, medically needy, medically indigent and medical care services recipients as defined in WAC 388-80-005, as now or hereafter amended, who are patients in general hospitals when such hospitals meet the criteria as defined in RCW 70-.41.020, as now or hereafter amended.

- (2) The department shall determine payment for hospital inpatient services according to a diagnosis related group (DRG) based formula ((pricing)) payment system established by the department, except for hospitals participating in the selective contracting program as prescribed in WAC 388-86-051 and services excluded from DRG-based reimbursement as prescribed in subsection (4) of this section. The department shall base formula price payments on the methodology prescribed in the department's State Plan under Title XIX of the Social Security Act, Methods and Standards Used for Establishing Payment Rates for Hospital Inpatient Services (hereafter referred to as the Title XIX State Plan).
- (3) The rate structure of selective contracting hospitals for inpatient hospital services is identified in Appendix B of such selective contracts. The rate shall be inclusive of all inpatient services provided ((either)) directly or indirectly by the contractor and constitutes the department's maximum financial obligation under the contract.
- (4) Certain services are excluded from the ((diagnosis related group)) <u>DRG</u>-based ((reimbursement)) <u>payment</u> system. These exclusions shall include:
- (a) Rehabilitation services provided in department—approved rehabilitation hospitals and general hospital distinct units, and services for physical medicine and rehabilitation (PM&R) patient((7));
- (b) Pain treatment provided in department_approved pain treatment facilities((5));
 - (c) Free standing psychiatric hospitals((7));
- (d) Alcoholism treatment and detoxification provided in a department_approved alcohol treatment center (ATC)((7));
- (e) Detoxification, medical stabilization, and drug treatment for the pregnant Medicaid recipient at the division of alcoholism and substance abuse certified hospitals;
 - (f) Neonates, DRGs 385-389((7));
 - (((f))) (g) Long-term hospital level care services((;));

(((g))) (h) Services provided to patients occupying beds utilized by the Fred Hutchinson Cancer Research Center bone marrow transplant program((;));

(((h))) (i) Health maintenance organization (HMO) hospitals providing inpatient services to HMO enrollees((7)); and

- (((i))) (j) Department_approved services to AIDS patients.
- (5) Payments for excluded DRG-based services are based on the Operating Expenses to Total Rate Setting Revenue (OE/TRSR) ((price)) payment methodology as prescribed in the department's Title XIX State Plan. For out-of-state hospitals, including border area hospitals, the department shall apply the Washington state-wide average OR/TRSR to allowable charges, unless the border hospital is a contracting hospital.
- (6) For dates of admission beginning October 1, 1985, payment rates established in accordance with subsections (2), (4) and (5) of this section are reduced for services provided to persons eligible for the medically indigent component of the limited casualty program and recipients of medical care services. Hospitals are grouped according to the percentage of total rate setting revenue comprising medical assistance, medicare, bad debt, charity, and other contractual adjustments and rates are reduced according to the following table.

	Percent Medicare, Medicaid, Bad Debt,	
	Charity and other	Percentage
Hospital	Contractual Adjustments	Reduction in
Group	of Total Rate Setting Revenue	Payment Rate
1	60.00 or more*	20.0
2	50.00 - 59.99	40.0
3	less than 50.00	60.0

^{*}Plus psychiatric hospitals

WSR 90-01-054 NOTICE OF PUBLIC MEETINGS SKAGIT VALLEY COLLEGE

[Memorandum—December 14, 1989]

The board of trustees of Skagit Valley College, Community College District No. 4, will hold its regular meetings at 7:15 p.m. on the second Tuesday of each month in 1990, except for the month of July when it will be the third Tuesday, and the month of August when there is no meeting. All of these meetings will be held in the Campus Center Annex Board Room on the Mount Vernon Campus, except the April meeting which will be held at the Whidbey Campus in the Administration Building, 1201 East Pioneer Way, Oak Harbor, Washington.

The dates of the regular meetings are:

January 9
February 13
March 13
April 10
May 8
June 12
July 17
September 11
October 9
November 13
December 11

WSR 90-01-055 NOTICE OF PUBLIC MEETINGS INVESTMENT BOARD

[Memorandum-December 15, 1989]

The regular meetings of the State Investment Board for 1990 will take place on the following dates and at the following locations:

Monday	February 12	9:30 a.m.	Transportation Building DOT Board Room (1D2) Olympia, Washington
Monday		9:00 a.m.	Frank Russell Company
Monday	August 13	9:00 a.m.	909 A. Street
Tuesday	November 13	9:00 a.m.	Tacoma, WA

WSR 90-01-056 NOTICE OF PUBLIC MEETINGS COMMISSION ON ASIAN AMERICAN AFFAIRS

[Memorandum—December 11, 1989]

The following schedule of 1990 regular meetings of the Washington State Commission on Asian American Affairs is hereby submitted for publication in the Washington State Register:

January 27 Tacoma March 31 Spokane June 2 Yakima September 15 Seattle November 17 Olympia

All meetings will begin at 9:30 a.m. on the day scheduled, however, exact meeting locations are as yet undetermined.

WSR 90-01-057 WITHDRAWAL OF PROPOSED RULES UTILITIES AND TRANSPORTATION COMMISSION

[Filed December 15, 1989, 4:14 p.m.]

This memorandum is sent pursuant to WAC 1-21-060 as a notice of withdrawal, withdrawing WUTC Docket No. U-89-2846-R, in the matter of amending WAC

480-120-138 relating to customer-owned pay telephones. The rule was noticed under WSR 89-16-108 filed August 2, 1989.

Paul Curl Secretary

WSR 90-01-058 PERMANENT RULES UTILITIES AND TRANSPORTATION COMMISSION

[Order R-313, Docket No. U-89-3099-R—Filed December 15, 1989, 4:19 p.m.]

In the matter of amending WAC 480-12-250, 480-30-120, 480-50-090, 480-70-350, 480-90-031, 480-100-031, 480-110-031 and 480-120-033; and adopting WAC 480-62-085 and 480-75-010, relating to accounting and reporting requirements.

This action is taken pursuant to Notice No. WSR 89-19-048 filed with the code reviser on September 18, 1989. The rule change hereinafter adopted shall take effect pursuant to RCW 34.05.380(2).

This rule-making proceeding is brought on pursuant to RCW 80.01.040 and is intended administratively to implement RCW 80.24.010, 81.24.010, 81.24.020, 81.24.030, 81.68.030, 81.77.030, 81.80.130 and 81.80.140.

This rule-making proceeding is in compliance with the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.05 RCW), the State Register Act (chapter 34.08 RCW), the State Environmental Policy Act of 1971 (chapter 43.21C RCW), and the Regulatory Fairness Act (chapter 19.85 RCW).

Pursuant to Notice No. WSR 89-19-048 the above matter was scheduled for consideration at 9:00 a.m., Wednesday, October 25, 1989, in the Commission's Hearing Room, Second Floor, Chandler Plaza Building, 1300 South Evergreen Park Drive S.W., Olympia, WA, before Chairman Sharon L. Nelson and Commissioners Richard D. Casad and A.J. Pardini.

Under the terms of said notice, interested persons were afforded the opportunity to submit data, views, or arguments to the commission in writing prior to October 16, 1989, and orally at 9:00 a.m., Wednesday, October 25, 1989, in the Commission's Hearing Room above noted. At the October 25, 1989, meeting the commission considered the rule change proposal. No written or oral comments were presented.

The rule change affects no economic values.

In reviewing the entire record herein, it has been determined that the above-referenced sections should be amended and adopted to read as set forth in Appendix A shown below and by this reference made a part hereof. WAC 480-12-250, 480-30-120, 480-50-090, 480-70-350, 480-90-031, 480-100-031, 480-110-031, 480-120-033, 480-62-085 and 480-75-010 as amended and adopted will provide a time for filing annual reports or, in some cases, periodic reports. The proposed rules adjust classes of motor common carriers and contract carriers and relieves some regulatory reporting requirements. It eliminates a separate reporting requirement of

excursion service companies, as well as reporting classifications for auto transportation companies. Filing of reports is provided for by common carrier railroads (the amendment to WAC 480-62-085 exceeds the scope of the notice filed herein by addition of a second paragraph providing, in the case of Class I common carrier railroads, for payment of regulatory fees in two parts, rather than a single annual payment. This subsection, which memorializes an agreement of long standing with the Class I railroads as to the scheduling of fee payments, was inadvertently omitted in the original publication. This statement is included pursuant to RCW 34.05.340(3).) and petroleum pipelines; and a time is specified for filing of reports by gas, electric, and telecommunications companies, passenger and ferry steamboat companies, and garbage and refuse collection companies.

ORDER

WHEREFORE, IT IS ORDERED That WAC 480–12–250, 480–30–120, 480–50–090, 480–70–350, 480–90–031, 480–100–031, 480–110–031, 480–120–033, 480–62–085 and 480–75–010 as set forth in Appendix A, be amended and adopted as rules of the Washington Utilities and Transportation Commission to take effect pursuant to RCW 34.05.380(2).

IT IS FURTHER ORDERED That the order and the annexed rules, after first being recorded in the order register of the Washington Utilities and Transportation Commission, shall be forwarded to the code reviser for filing pursuant to chapter 34.05 RCW an chapter 1–21 WAC.

DATED at Olympia, Washington, this 13th day of December, 1989.

Washington Utilities and Transportation Commission
Sharon L. Nelson, Chairman
Richard D. Casad, Commissioner
A. J. Pardini, Commissioner

APPENDIX "A"

AMENDATORY SECTION (Amending Order R-276, Cause No. TV-2092, filed 9/17/87)

WAC 480-12-250 ACCOUNTS—UNIFORM SYSTEM ADOPTED—REPORTS. (1) The "uniform system of accounts" adopted by the interstate commerce commission is hereby prescribed for the use of Class I and II common and contract carriers in the state of Washington operating under chapter 81.80 RCW. A "uniform system of accounts" is hereby prescribed for the use of Class III common and contract carriers in the state of Washington.

- (2) Classification of carriers:
- (a) For purposes of the accounting and reporting regulations, common and contract carriers of property shall be divided into the following three classes:

Class I — Common carriers having average annual gross operating revenues (including interstate and intrastate) of \$5,000,000 or more from operations as motor carriers of property.

Class II

Common carriers having average annual gross operating revenues (including interstate and intrastate) of more than \$1,000,000 but less than \$5,000,000 from operations as motor carriers of property.

Class III

- Common carriers having average annual gross operating revenues (including interstate and intrastate) of \$1,000,000 or less from operations as motor carriers of property and all contract carriers.
- (b) The class to which any carrier belongs shall be determined by the average of its annual gross operating revenues derived from motor carrier operations as a carrier of property for the past three calendar years.
- (c) Any carrier may, at its option, adopt the methods of a group higher than the one in which it falls on the basis of its average annual gross operating revenues. Notice of such action shall be promptly filed with the commission.
- (3) Each Class III common or contract carrier must secure from the commission a copy of "uniform system of accounts" applicable to its business and keep its accounts and other records in conformity therewith to the end that its records may be kept and the annual report required to be filed by it may be compiled in accordance therewith.
- (4) For purposes of rendering annual reports, common and contract carriers shall secure from the commission the proper forms and make and file with the commission annual report as soon after the close of the calendar year as possible, but in no event later than ((April)) May 1st of the succeeding year.
- (5) ((All Class I and Class II common and contract carriers in the state of Washington shall file, in addition to the annual report referred to herein, quarterly reports on forms which they shall secure from the commission for that purpose. Each such report shall be submitted to the commission within 30 days after the close of the period which it covers.
- (6))) Registered carriers operating exclusively in interstate or foreign commerce shall not be required to file annual ((or quarterly)) reports.
- (((7))) (6) Annual reports filed by carriers holding garbage and/or refuse collection certificates and common and/or contract carrier permits must comply with reporting requirements provided in WAC 480-70-230.

AMENDATORY SECTION (Amending Order R-215, Cause No. TC-1786, filed 7/11/84)

WAC 480-30-120 UNIFORM SYSTEM OF ACCOUNTS AND ANNUAL REPORTS. (1) ((The uniform system of accounts prescribed by the interstate commerce commission for motor carriers of passengers is hereby adopted and prescribed for the use of Class I auto transportation companies and excursion service companies in the state of Washington, operating under chapter 81.68 RCW.)) A uniform system of accounts is hereby adopted and prescribed for the use of Class ((H and Class III)) I auto transportation companies ((and

- excursion service companies)) in the state of Washington operating under chapter 81.68 RCW. Said uniform system of accounts is entitled "uniform system of accounts for Class ((H)) 1 auto transportation companies operating under certificates ((and Appendix 'A' uniform system of accounts for Class III auto transportation companies and excursion service companies))."
- (2) The various auto transportation companies ((and excursion service companies)) shall ((be divided into three classes as per average yearly gross revenue according to the following schedule:)) all be classified as Class I.
 - ((Class I. Those having average annual gross operating revenue of \$3,000,000 or over:
 - Class II. Those having average annual gross operating revenue of \$200,000 or more but less than \$3,000,000.
 - Class III. Those having average annual gross operating revenue less than \$200,000.))
- (3) Each auto transportation company ((and excursion service company)) must secure from the commission a copy of the "uniform system of accounts" adopted by subsection (1) ((hereof)) of this section, applicable to its classification, and keep its accounts and other records in conformity thereto to the end that the annual report required to be filed by subsections (4) and (5) of this section may be compiled in accordance therewith.
- (4) At the close of each calendar year every auto transportation company ((and excursion service company)) must secure from the commission two copies of the ((form of)) annual report applicable to its business. The information called for by such annual report must be compiled in accordance with the instructions contained in the "uniform system of accounts" and these rules. One copy of such report must be filed with the commission as soon after the close of each calendar year as possible; but in no event later than ((April)) May 1st of the succeeding year. Failure to file such report will be sufficient cause for the commission, in its discretion, to revoke a certificate.
- (5) In the event that a certificate is transferred, or is cancelled for any cause, the annual report required by subsection (4) of this section must be filed immediately covering the period from the first of the year to the date on which the auto transportation company ((or excursion service company)) ceased operations.

Annual report blanks are designed to cover business transacted during the entire calendar year. Where operations are discontinued prior to the close of the calendar year as above provided, or where operation is started during the calendar year, annual report shall be rendered covering that portion of the calendar year during which the auto transportation company ((or excursion service company)) operated and shall show on the face thereof the exact period covered thereby.

(6) Each auto transportation company ((and excursion service company)) must keep trip reports showing complete statistics and these records must be kept on file

in the general office of each company, in date or numerical order, for a period of three years, subject to inspection by the commission so that the commission can ascertain at any time the number of passengers and/or the amount of express transported and the revenue derived therefrom between any two points for any period desired.

AMENDATORY SECTION (Amending Order R-5, filed 6/6/69, effective 10/9/69)

WAC 480-50-090 ANNUAL REPORTS. (1) "Passenger and ferry steamboat companies" shall at the close of each year file with the commission reports covering their operations during the preceding calendar year, such annual reports to contain the data and information required by and to be prepared on forms which shall be obtained for that purpose from the commission. Such annual report must be filed with the commission as soon after the close of each calendar year as possible but in no event later than ((April)) May 1st of the succeeding year.

(2) "Passenger and ferry steamboat companies" shall on or before the first day of April of each year file with the commission a statement showing the gross operating revenue of such company for the preceding calendar year. ((The annual report required by subsection (1) shall contain the statement of gross operating revenue and other information therein required.)) The statement shall be accompanied by the regulatory fee as provided in RCW 81.24.020.

NEW SECTION

WAC 480-62-085 ANNUAL REPORTS. (1) The annual report form R1 promulgated by the Interstate Commerce Commission is hereby adopted for Class I railroad companies. The commission shall publish the annual report forms for the Class II and Class III railroad companies. At the close of each calendar year every railroad company must secure from the commission two copies of the annual report form applicable to its business. The annual report is to be completed for the calendar year's operations. One copy of the completed annual report will be submitted to the commission no later than May 1 of the succeeding year. The second completed copy is to be retained by the company.

(2) The regulatory fee for the Class I railroad companies will be due by October 1 and April 1. The October 1 fee will be based on one-half of the estimated annual fee. Class II and Class III railroad companies' regulatory fee is due by April 1 of the succeeding year.

AMENDATORY SECTION (Amending Order R-167, filed 7/22/81)

WAC 480-70-350 ACCOUNTS—UNIFORM SYSTEM ADOPTED—REPORTS. (1) Effective January 1, ((1962)) 1989, a "uniform system of accounts" is hereby prescribed for use of garbage and/or refuse collection companies in the state of Washington operating under chapter 295, Laws of 1961 [chapter 81.77 RCW].

- (2) The various carriers shall be divided into two classes as per average yearly gross revenue according to the following schedule:
 - Class A Those carriers having an annual yearly gross revenue of \$500,000 or over per year.
 - Class B Those carriers having an annual yearly gross revenue of less than \$500,000 per year.

As set forth in the <u>above</u> classification ((of accounts)), any carrier may, at its option, place itself in a group higher than the one in which it falls on the basis of its annual gross operating revenue.

- (3) Each garbage and/or refuse collection company must secure from the commission a copy of the "uniform system of accounts" applicable to its business and keep its accounts and other records in conformity therewith to the end that its records may be kept and the annual report required to be filed by it may be compiled in accordance therewith.
- (4) For purposes of rendering annual reports, garbage and/or refuse collection companies shall secure from the commission the proper forms and make and file annual reports as soon after the close of the calendar year as possible, but in no event later than ((April)) May 1st of the succeeding year. Failure to file such reports will be sufficient cause for the commission, in its discretion, to revoke a certificate.
- (5) In the event that a certificate is transferred, or is canceled for any cause, the annual report required by this rule must be filed immediately covering the period from the first of the year to the date on which the garbage and/or refuse collection company ceased operations. Where operations are discontinued prior to the close of the calendar year, or where operations are started during the calendar year, an annual report shall be rendered covering that portion of the calendar year during which the garbage and/or refuse collection company operated and shall show on the face thereof the exact period covered thereby.
- (6) Each garbage and/or refuse collection company must maintain complete records of the collection service provided to each customer, showing for each and every customer served the amount billed, the categories and quantity of service provided, the amounts collected, and the balance due. Such customer records must also be maintained in such manner so that the service provided and the rates and charges assessed are easily identifiable in tariff terms contained in the applicable tariff of each carrier. These records must be kept on file in the general office of each company, in alphabetical, address or route order, for a period of three years subject to inspection by the commission so that the commission may ascertain at any time the number of customers served, the amounts being billed and collected, and the balance due from each and every customer. Customers requesting either by letter, telephone or office visit an itemized statement of all charges shall be furnished same.

Chapter 480–75 WAC PETROLEUM PIPELINE COMPANIES

WAC

480-75-010 Annual reports.

NEW SECTION

WAC 480-75-010 ANNUAL REPORTS. The annual report form No. 6 promulgated by the Federal Energy Regulatory Commission is hereby adopted for all petroleum pipeline companies. At the close of each calendar year every petroleum pipeline company must secure from the commission two copies of the annual report forms. The annual report is to be completed for the calendar year's operations. One completed copy of the annual report will be submitted to the commission no later than May 1 of the succeeding year. The second completed copy is to be retained by the company.

AMENDATORY SECTION (Amending Order R-302, filed 6/7/89)

WAC 480-90-031 ACCOUNTING. (1) The "uniform system of accounts" applicable to Class A and B gas utilities published by the Federal Energy Regulatory Commission is hereby prescribed for use of gas utilities in the state of Washington.

(2) Gas utilities operating within this state shall be classed by revenue as follows:

CLASS	ANNUAL GROSS	OPER	RATING	REVENUE
Α	\$2,500,000	or	more	-
В	less	than	\$2,5	00,000

- (3) All gas utilities having multistate operations shall maintain records in such detail that the costs of property located and business done in this state in accordance with geographic boundaries can be readily ascertained.
- (4) Any change to the uniform system of accounts, as published by the FERC, will only be accomplished after due notice and order of this commission.
- (5) The annual report FERC Form 2 promulgated by the Federal Energy Regulatory Commission is hereby adopted for purposes of annually reporting to this commission by all gas companies. The annual report for the preceding calendar year will be due by May 1.

All gas utilities having multistate operations shall report to this commission at least once each year, as a supplement to its annual report, the amount of property, revenues, expenses, taxes, depreciation, etc. utilized in or incurred from the furnishing of utility service in the state of Washington, on the basis of usage and without regard to geographic boundaries. Any cost allocations necessary in developing results of operations for the state of Washington separately shall be accomplished on an acceptable basis.

In addition to the annual report, each gas company shall file with the commission semiannual twelve months ended results of operations statements within four months after the end of the covered period. In most cases this would be April 30 and October 31 of each

year. The results of operations statement shall be restated including normalized revenue and gas supply based on a "commission basis." "Commission basis" means that the rate base includes those standard rate base components that have been historically accepted by the commission for ratemaking, and further includes restating actual adjustments which restate a company's booked results of operations to a ratemaking basis adjusting for out of period items. Nonoperating, nonrecurring, extraordinary items, or any other item that materially distorts test period earnings or expenses shall be removed from booked results of operations before the achieved return is calculated. "Commission basis" does not include new theories or approaches which have not been previously addressed and resolved by the commission.

- (6) The results of operations reported by each gas utility in its annual report to the commission shall be reconciled with the results of operations shown on its books and records.
- (7) Gas utilities shall continue to report actual Washington results of operations to the commission. The results of operations statement shall show monthly results and twelve months ended results. This statement is due within sixty days after the end of the reporting month.
- (8) Any additional data required by this commission in the reporting requirements of gas utilities will only be accomplished after due notice and order of this commission.
- (9) The annual budget of expenditures ((shall be submitted)) form for budgetary reporting for gas utilities will be published by this commission in accordance with chapter 480-140 WAC.

AMENDATORY SECTION (Amending Order R-302, filed 6/7/89)

WAC 480-100-031 ACCOUNTING. (1) The "uniform system of accounts" applicable to Class A and B electric utilities published by the Federal Energy Regulatory Commission is hereby prescribed for use of electric utilities in the state of Washington. References in this uniform system of accounts to a classification of electric utilities contrary to subsection (2) of this section are hereby deleted.

(2) Electric utilities operating within this state shall be classed by revenue as follows:

CLASS	ANNUAL GROSS	OPER	ATING	REVENUE
A	\$2,500,000	or	mor	e
В	less	than	\$2.5	00,000

- (3) All electric utilities having multistate operations shall maintain records in such detail that the costs of property located and business done in this state in accordance with geographic boundaries can be readily ascertained.
- (4) Any deviation from the uniform system of accounts, as published by the FERC, will only be accomplished after due notice and order of this commission.

(5) The annual report form (FERC Form No. 1) promulgated by the Federal Energy Regulatory Commission is hereby adopted for purposes of annually reporting to this commission by all electric companies. The annual report for the preceding calendar year will be due by May 1. All electric utilities having multistate operations shall report to this commission at least once each year, as a supplement to its annual report, the amount of property, revenues, expenses, taxes, depreciation, etc., utilized in or incurred from the furnishing of utility service in the state of Washington, on the basis of usage and without regard to geographic boundaries. Any cost allocations necessary in developing results of operations for the state of Washington separately shall be accomplished on an acceptable basis.

In addition to the annual report, each electric company shall file with the commission semiannual twelve months ended results of operations statements within four months after the end of the covered period. In most cases this would be April 30 and October 31 of each year. The results of operations statement shall be restated including normalized revenue and power supply based on a "commission basis." "Commission basis" means that the rate base includes those standard rate base components that have been historically accepted by the commission for ratemaking, and further includes restating actual adjustments which restate a company's booked results of operations to a ratemaking basis adjusting for out of period items. Nonoperating, nonrecurring, extraordinary items, or any other item that materially distorts test period earnings or expenses shall be removed from booked results of operations before the achieved return is calculated. "Commission basis" does not include new theories or approaches which have not been previously addressed and resolved by the commission.

- (6) The total company results of operations reported by each electric utility in its annual report to the commission shall agree with the results of operations shown on its books and records.
- (7) Electric utilities shall continue to report actual Washington results of operations to the commission. The results of operations statement shall show monthly results and twelve months ended results. This statement is due within sixty days of the reporting month.
- (8) Any additional data required by this commission in the reporting requirements of electric utilities in annual reports will only be accomplished after due notice and order of this commission.
- (9) The annual budget of expenditures ((shall be submitted)) form for budgetary reporting for electric utilities will be published by the commission in accordance with chapter 480-140 WAC.

AMENDATORY SECTION (Amending Order R-30, filed 7/15/71)

WAC 480-110-031 ACCOUNTING. (1) The "uniform system of accounts" applicable to Class A, B, and C((, and D)) water utilities published by the National Association of Regulatory Utility Commissioners (NARUC) is hereby prescribed for use of water utilities in the state of Washington.

(2) Water utilities operating within this state shall be classed by revenue as follows:

CLASSANNUAL GROSS OPERATING REVENUE

	0.00.000		
((A	\$100,000	or	more
R	\$50,000	to	\$100,000
Č		4	
	\$25,000	το	\$50,000
	less -	than	\$25,000))
D		tilali	\$25,000))
Α	\$750,000	or	more
B	\$150,000	to	\$750,000
\overline{C}	less	than	\$150,000

- (3) Companies that desire more detailed accounting may adopt the accounts prescribed for a higher classification of water companies: PROVIDED, That the commission is notified promptly of such action. Such companies are required to comply with the more detailed reporting requirements contained in the rules respecting such higher classification.
- (4) Any provisions contained in the uniform system of accounts adopted in ((paragraph)) subsection (1) ((above)) of this section which is contrary to ((paragraphs)) subsections (2) and (3) ((above)) of this section are hereby deleted.
- (5) The annual report forms for all classes of water utilities shall be published by this commission and any change will only be accomplished after due notice and order of this commission. One copy of the annual report must be filed as soon after the close of the calendar year as possible; but in no event later than May 1 of the succeeding year.
- (6) The results of operations reported by each water utility in its annual report to the commission shall agree with the results of operations shown on its books and records.
- (7) Any additional data required of this commission in reporting requirements will only be accomplished after due notice and order of this commission.
- (8) The annual budget of expenditures ((shall be submitted)) form for budgetary reporting purposes for water utilities shall be published by this commission in accordance with chapter 480–140 WAC. The annual budget of expenditures is due by January 1. This annual budget of expenditures will be required for all water utilities with annual gross operating revenues over \$150,000.

AMENDATORY SECTION (Amending Order R-247, filed 6/27/86)

WAC 480–120–033 ACCOUNTING AND RE-PORTING REQUIREMENTS FOR COMPETITIVE TELECOMMUNICATIONS COMPANIES. Competitive telecommunications companies shall, at a minimum, keep accounts according to generally accepted accounting principles and file annually, on a form prescribed by the commission, a certified consolidated financial statement which specifies revenues from intrastate operations. This annual report is due by May 1st of the succeeding year. Competitive telecommunications companies shall also make available, at the time and place the commission may designate, such accounting records as the commission may request. Such companies shall also keep on

file at the commission current price lists and service standards.

WSR 90-01-059 PROPOSED RULES UTILITIES AND TRANSPORTATION COMMISSION

[Filed December 15, 1989, 4:23 p.m.]

Original Notice.

Title of Rule: WAC 480-120-138 relating to custom-er-owned pay telephones. The proposed amendatory section is shown below as Appendix A, Docket No. U-89-3323-R. Written and/or oral submissions may also contain data, views, and arguments concerning the effect of the proposed amendment on economic values, pursuant to chapter 43.21H RCW.

Purpose: To provide greater uniformity in the provision of pay telephone service, and to ease in some respects current restrictions applicable to customer—owned pay telephones (COCOTS).

Statutory Authority for Adoption: RCW 80.01.040.

Summary: Makes pay telephones owned and operated by local exchange companies subject to equipment requirements of the rule, equalizing relationships with COCOT providers; and revises notice requirements, and provides for one—way calling, extension telephones, and credit card calling in some circumstances.

Reasons Supporting Proposal: COCOTS are a new industry arising from the breakup of the bell system. When rules were initially adopted, it was unknown what the full impact on the industry might be. As experience has been gained, and problems discussed and evaluated, the current amendments were developed in conjunction with the industry, to accommodate the operations of COCOT distributor.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Paul Curl, secretary and utilities staff of commission, 1300 South Evergreen Park Drive S.W., Olympia, WA, (206) 753-6451.

Name of Proponent: Washington Utilities and Transportation Commission, governmental.

Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fiscal Matters: There are no comments or recommendations being submitted inasmuch as the proposal is pursuant to legislative authorization as reflected in RCW 80.01.040.

Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: The rule makes pay telephones owned and operated by local exchange companies subject to its terms, in part; it revises notice requirements on the instrument itself, clarifies coin operation; provides for one—way, extension, and credit card operation in designated circumstances; provides for connection with local exchange companies in accordance with applicable tariffs; provides for reader instruction and lighting, prohibits cordless telephones; and provides for directories. The purpose is,

in general, to liberalize usage of COCOT, which is in turn expected to make these facilities more available to the public.

Proposal Changes the Following Existing Rules: It makes pay telephones owned and operated by local exchange companies subject to its terms, in part; it revises notice requirements on the instrument itself, clarifies coin operation; provides for one-way, extension, and credit card operation in designated circumstances; provides for connection with local exchange companies in accordance with applicable tariffs; provides for reader instruction and lighting, prohibits cordless telephones; and provides for directories.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

The amendments tend to reduce rather than impose restrictions on COCOT service.

Hearing Location: Commission Hearing Room, Second Floor, Chandler Plaza Building, 1300 South Evergreen Park Drive S.W., Olympia, WA, on January 24, 1990, at 9:00 a.m.

Submit Written Comments to: Paul Curl, Secretary, 1300 South Evergreen Park Drive S.W. Olympia, WA, by January 15, 1990.

Date of Intended Adoption: January 24, 1990.

December 15, 1989 Paul Curl Secretary

APPENDIX "A"

AMENDATORY SECTION (Amending Order R-239, Cause No. U-85-45, filed 9/20/85)

WAC 480-120-138 ((CUSTOMER-OWNED)) PAY TELE-PHONES—LOCAL AND INTRASTATE. Every telecommunications company operating an exchange within the state of Washington may allow ((customer-owned)) pay telephones to be connected to the company's network for purposes of interconnection and use of registered devices for local and intrastate communications. Every such telecommunications company offering such service shall file tariffs with the commission ((which shall set)) setting rates and conditions ((of service and shall allow)) applicable to the connection of ((customer-owned)) pay telephones to the local and intrastate network under the following terms and conditions. Local exchange companies that do not have a public access line tariff on file with the commission shall not be subject to these rules.

For purposes of these rules "pay telephone" is defined as equipment connected to the telephone network in one of the following modes:

(a) Coin operated: A telephone capable of receiving nickels, dimes, and quarters to complete telephone calls. Credit card or other operator-assisted billing may be used from a coin-operated instrument.

(b) Coinless: A pay telephone where completion of calls, except emergency calls, must be billed by an alternative billing method such as credit card, calling cards, third-party billing, or billed in connection with the billing of meals, goods, and/or services. These pay phones include, but are not limited to, charge-a-call, cordless, tabletop, and credit card stations.

For purposes of these rules, the term "subscriber" is defined as a party ((subscribing for a pay telephone)) requesting or using a public access line for the purpose of connecting a ((customer-owned)) pay telephone to ((a local exchange)) the telephone network.

(1) ((Customer-owned)) Pay telephones ((must be)) connected to the company network ((in compliance)) must comply with Part 68 of the Federal Communications Commission rules and regulations and the current National Electric Code and National Electric Safety Code, and must be registered with the Federal Communications Commission, or installed behind a coupling device which has been registered with the Federal Communications Commission.

(2) All ((customer-owned)) pay telephones shall provide dial tone first to assure emergency access to operators without the use of a coin.

- (3) The caller must be able to access the operator and 911 where available without the use of a coin ((the operator and 911 where available)).
- (4) The subscriber shall pay the local directory assistance charge currently in effect for each ((customer-owned)) pay telephone and may charge the user for directory assistance calls. The charge for each directory assistance call paid by the user shall not exceed the current per call charge paid by the subscriber.
- (5) Emergency numbers (operator assistance and 911) must be clearly posted ((at)) on each ((location of a customer-owned)) pay telephone.
- (6) Information ((must be displayed on the customer-owned pay telephone)) consisting of ((local address and)) the name, address, telephone number of the owner, or a toll-free telephone number where a caller can obtain assistance in the event the ((customer-owned)) pay telephone malfunctions in any way, and procedures for obtaining a refund from the subscriber((, and notice that the customer-owned pay telephone is not being provided by the local telephone company)) must be displayed on the front of the pay telephone.

The following information shall also be posted on or adjacent to the telephone instrument:

- (a) "An accurate quotation of all rates and surcharges is available to the user by dialing '0' and requesting costs"; and
 - (b) The notice required by WAC 480-120-141(1).

In no case will the charges to the user exceed the quoted costs

- (7) The telephone number of the ((customer-owned)) pay telephone must be displayed on each instrument.
- (8) The subscriber shall ensure that the ((customer-owned)) pay telephone is compatible for use with hearing aids and its installation complies with all applicable federal, state, and local laws and regulations concerning the use of telephones by disabled persons.
- (9) The ((customer-owned)) pay telephone, if coin operated, must return the coins to the caller in the case of an incomplete call and must be capable of receiving nickels, dimes, and quarters. Local exchange company pay telephones shall not be subject to the requirements of this subsection.
- (10) All ((customer-owned)) pay telephones must be capable of providing access to all interexchange carriers where such access is available. If requested by the subscriber, the local exchange company providing the public access line shall supply restriction, at appropriate tariffed rates, which prevents fraud to the 10XXX 1+ codes.
- (11) ((Pay telephone access lines must provide two-way service and there shall be no charge imposed by the subscriber for incoming calls.)) Except for service provided to hospitals, libraries, or similar public facilities in which a telephone ring might cause undue disturbance, or upon written request of a law enforcement agency, coin-operated pay telephones must provide two-way service, and there shall be no charge imposed by the subscriber for incoming calls. This subsection will not apply to pay telephones presently arranged for one-way service and in service on ———. Should an existing one-way service be disconnected, change telephone number, or change financial responsibility, the requirements of this subsection shall apply. All pay telephones confined to one-way service shall be clearly marked on the front of the instrument.
- (12) ((Customer-owned)) Pay telephones ((may)) shall be connected only to ((pay telephone)) public access lines in accordance with the approved tariffs offered by the local ((telephone)) exchange company. Local exchange company pay telephones are not subject to this requirement.
- (13) A subscriber must order a separate pay telephone access line for each ((customer-owned)) pay telephone installed ((and will be billed the tariffed rate for each pay telephone access line. No other telecommunications instrument may be connected to a pay telephone
- (((14))) Extension telephones may be connected to a pay telephone access line when the instrument:
 - (a) Prevents origination of calls from the extension station; and
- (b) Prevents third party access to transmission from either the extension of the coin-operated telephone instrument.
 - Local exchange companies are exempted from (b) of this subsection.
- (14) Credit card operated pay telephones shall clearly identify all credit cards that will be accepted.
- (15) Involuntary changes in telephone numbers upon conversion of pay telephones from local exchange company-owned to privately-owned pay telephones are prohibited.
- (16) No fee shall be charged for nonpublished numbers on a public access line.

- (17) Cordless and tabletop pay telephones shall not be connected to the telephone network except under the following conditions:
- (a) The bill for usage is tendered to the user before leaving the premises where the bill was incurred or alternatively billed at the customer's request; and
- (b) The user is notified verbally or on the instrument that privacy on cordless and tabletop telephones is not guaranteed; and
- (c) When other electrical devices are equipped with filters, as necessary, to prevent interference with the pay telephone.
- (18) Violations of the tariff, commission rules pertaining to ((customer-owned)) pay telephone service, or other requirements contained in these rules will subject ((customer-owned)) pay telephone to disconnection of service if the deficiency is not corrected within five days from date of written notification to the subscriber.
- It shall be the responsibility of every ((telecommunications)) local exchange company ((operating an exchange)) to assure that any subscriber taking service pursuant to these rules and to tariffs filed pursuant to these rules meets all of the terms and conditions contained within these rules and the tariffs so filed. It shall be the duty of the local ((telecommunications)) exchange company to enforce the terms and conditions contained herein.
- It shall be the responsibility of the local ((telecommunications)) exchange company to provide free of charge one current telephone directory each year for each ((pay telephone)) public access line. It shall be the responsibility of the subscriber to make a reasonable effort to assure a current directory is available at every pay telephone location.
- ((The pay telephone)) Public access lines ((for a customer-owned telephone)) will be charged at rates according to the relevant tariff as approved by the commission.
- ((Pay telephones owned and operated by the local telecommunications company or any interexchange carrier tariffed to do business in Washington shall not be subject to these rules.))

WSR 90-01-060 PERMANENT RULES DEPARTMENT OF LICENSING

[Filed December 18, 1989, 8:45 a.m.]

Date of Adoption: December 12, 1989.

Purpose: To support and clarify provisions of chapter 46.55 RCW relative to the handling, processing, disposing, and recordkeeping of abandoned vehicles in the custody and care of registered tow truck operators in order to comply with SB 5440.

Citation of Existing Rules Affected by this Order: Amending WAC 308-61-108(6), 308-61-135(7), 308-61-185(1), 308-61-190(3) and 308-61-230(5).

Statutory Authority for Adoption: RCW 46.55.190.

Pursuant to notice filed as WSR 89-20-010 on Se

Pursuant to notice filed as WSR 89-20-010 on September 25, 1989.

Effective Date of Rule: Thirty days after filing.

December 12, 1989 Mary Faulk Director

AMENDATORY SECTION (Amending Order DLR 164, filed 2/25/88)

- WAC 308-61-108 GENERAL LICENSING PROVISIONS. (1) Staggered licensing the annual registration issued to tow truck operators shall expire on the date indicated by the director.
- (2) Additional secure areas for vehicle storage additional storage locations may be operated under one registration. No additional bond or insurance will be required for such premises so long as each is covered by the bond and insurance.

- (3) If an operator has more than one registered business location, storage areas for each business location must be listed with the department under its registration.
- (4) Change of name and/or address the department shall be notified immediately, on a form provided by the department, of any change of name and/or address of any business location or of the addition of any location.
- (5) Changes of ownership any change of partners or of corporate officers shall be immediately reported to the department in writing. A complete change in ownership requires a new registration.
- (6) An insurer shall notify the department at least 10 days prior to cancellation of a policy. Following receipt of such notification the department shall notify the registered tow truck operator by ordinary mail of the effective date of the insurance cancellation and that cancellation of the required insurance cancels the operator's registration pursuant to RCW 46.55.030 (3)(b). This notice to the operator shall not affect the cancellation of the registration.

AMENDATORY SECTION (Amending Order DLR 164, filed 2/25/88)

WAC 308-61-135 GENERAL PROVISIONS. (1) The properly executed written authority to tow or other evidence of lawful possession shall suffice in lieu of current license plates or trip permits for unauthorized or abandoned vehicles.

- (2) Billing invoices shall indicate the time of day when an unauthorized or abandoned vehicle arrived at the secure storage area.
- (3) A seller's report of sale filed with the department on a form furnished by the department shall relieve a registered owner from liability for costs incurred in the removal and storage of an unauthorized/abandoned vehicle, in addition to relieving that person from other liability pursuant to RCW 46.12.101.
- (4) The junk vehicle affidavit of sale as described in (section 23) may be used to sell a vehicle to a licensed hulk hauler, scrap processor, vehicle wrecking yard or it may be used as a supporting document for issuance of a title.
- (5) A stored vehicle may be redeemed any time before the start of auctioning of that particular vehicle.
- (6) The written notice of the right of redemption and opportunity for a hearing to contest the validity of an impoundment, to be sent with the twenty-four hour impoundment notice on an unauthorized vehicle impoundment, shall be separate and in addition to the notice of opportunity for a hearing given to those who redeem vehicles.
- (7) Information contained in the master log shall include:
 - (a) The dates of impound and release of vehicles;
 - (b) Storage lot used if multiple lots;
- (c) If impound was from public or from private property and the location where the vehicle was impounded;
- (d) Identity of vehicle by year, make, model, license number, and vehicle identification number;
- (e) Dates of all required notices to law enforcement and to vehicle owners;

- (f) Date of auction advertisement and of auction;
- (g) Amount of towing and storage lien;
- (h) Amount of auction proceeds;
- (i) Amount of excess funds and date the disposition notice was sent to the Washington state patrol.

Entries on the master log must be made within seventy-two hours following the activity being logged.

AMENDATORY SECTION (Amending Order DLR-088, filed 1/6/86)

WAC 308-61-185 LIEN PROVISIONS. (1) No operator shall include any charges in the amount of the lien that are not specifically authorized. Subordinate charges such as mechanic fees or prior storage fees claimed by the operator or any third party shall not be allowed. All fees must be included in the towing and storage rates and no fees for other services shall be allowed. No fee may be listed on the rate sheet for which there is no provision.

(2) The towing and storage lien shall not apply to personal property not attached to and made an integral part of the vehicle.

AMENDATORY SECTION (Amending Order DLR-088, filed 1/6/86)

WAC 308-61-190 AFTER SALE. (1) Following the auction of an abandoned vehicle the operator shall give to the successful bidder an affidavit of sale, as defined, which shall disclose the amount of the lien and the amount of the successful bid. The public auction shall terminate the ownership interest of prior owners, both registered owners and legal owners.

- (2) The following guidelines shall apply in establishing a valid claim for surplus funds which have been remitted to the state as the result of the auctioning of abandoned vehicles pursuant to section 13(g):
- (a) The claiming individual shall show reasonable proof of his/her identity and the claim shall be in writing.
- (b) The claimant must have been the registered owner of the vehicle as reflected in the records of the department of licensing at the time the vehicle was auctioned. The person indicated as purchaser on a seller's report of sale, pursuant to RCW 46.12.101, will be considered the registered owner of record for purposes of this section.
- (c) Any person whose claim is denied by the state shall have the opportunity to request a departmental hearing as provided in chapter ((34.04)) 34.05 RCW.
- (3) The fifteen-day title transfer requirement provided for in RCW 46.55.130 (2)(f) shall not apply to properly licensed hulk haulers, scrap processors, and wreckers who have acquired the vehicle for salvage purposes in accordance with chapters 46.79 and 46.80 RCW.

AMENDATORY SECTION (Amending Order 553-DOL, filed 9/7/79)

WAC 308-61-230 WRECKERS—PROCE-DURES FOR ACQUIRING VEHICLES AND VE-HICLE PARTS. Supporting acquisition. The wrecker may acquire vehicles and vehicle parts if the seller can furnish proof of ownership as follows:

- (1) Certificate of title properly endorsed in the case of vehicles from states issuing a title.
- (2) Certificate of registration and notarized bill of sale from a state issuing registration certificates only.
- (3) Affidavit of lost or stolen title if executed by the registered and legal owner of record.
- (4) Insurance company bills of sale pursuant to WAC 308-58-030.
- (5) Affidavit of sale pursuant to WAC ((308-61-140) (1) and (2)) 308-61-026(1).
- (6) Authorization to dispose pursuant to RCW 46.52.150.
- (7)(a) In the case of vehicle parts a bill of sale from the seller describing the specific part and giving the full name, address and verification of the seller's identity, plus date of sale. In addition, if a major component part is acquired the vehicle identification number from which it came must also be set forth on the bill of sale. For acquiring major component parts a bill of sale shall include verification of the name and address of the seller, the date, plus the identification number of the vehicle from which the major component part came.
- (b) Acquiring parts from vehicles which have had identification numbers removed, defaced or tampered with shall be grounds for suspension or revocation of license, except vehicles cleared by law enforcement agencies.
- (c) A copy of each bill of sale shall be maintained on acquired parts for a period of three years.

WSR 90-01-061 PROPOSED RULES DEPARTMENT OF LICENSING

[Filed December 18, 1989, 9:20 a.m.]

Original Notice.

Title of Rule: Investment adviser and investment adviser registration and examination requirements.

Purpose: To revise the existing examination requirements for investment adviser and investment adviser salesperson registration.

Statutory Authority for Adoption: RCW 21.20.450.

Statute Being Implemented: RCW 21.20.070.

Summary: Adopts two new practice knowledge examination alternatives and allows a transitional alternative for certain persons for the law examination for investment adviser and investment adviser registration applicants.

Reasons Supporting Proposal: To allow greater flexibility for qualified applicants and to facilitate implementation of recent financial planner legislation.

Name of Agency Personnel Responsible for Drafting: Suzanne Sarason, 7240 Martin Way, Olympia, (206) 753-6928; Implementation: Ken Mark, Assistant Director, Olympia, (206) 753-1749; and Enforcement: Jack Beyers, Securities Administrator, (206) 753-6928.

Name of Proponent: Department of Licensing, governmental.

Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: The rule will allow persons already registered as securities salespersons registering as investment adviser or investment adviser salespersons before January 1, 1991, to substitute the uniform securities agent state law examination for the investment adviser law examination. It will also recognize the accredited personal financial specialist and chartered financial consultant designations as alternative ways of meeting the practice knowledge examination requirements for registration as an investment adviser or investment adviser salesperson. The rule will facilitate registration of those newly required to register as investment advisers or investment adviser salespersons under recent financial planner legislation.

Proposal Changes the Following Existing Rules: Provides new practice knowledge examination options for investment adviser and investment adviser salesperson registration applicants and a transition option for the law examination requirement for those already registered as securities salespersons.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

Hearing Location: Securities Division Conference Room, 7240 Martin Way, Olympia, WA 98506, on January 23, 1990.

Submit Written Comments to: Jack Beyers, Securities Administrator, P.O. Box 648, Olympia, WA 98504, by January 23, 1990.

Date of Intended Adoption: January 31, 1990.

December 14, 1989 Mary Faulk Director

AMENDATORY SECTION (Amending Order SDO-123-89, filed 8/17/89, effective 9/17/89)

WAC 460-24A-050 INVESTMENT ADVISER AND INVESTMENT ADVISER SALESPERSON (REPRESENTATIVE) REGISTRATION AND EXAMINATIONS. (1) In order ((to be licensed in this state as an investment adviser the individual applicant, the officer if the applicant is a corporation or a general partner if the applicant is a partnership shall complete the uniform investment adviser law examination with a score of seventy percent or better (a) NASD general securities principal examination (Series 24) or

(b) NASD investment company products/variable contracts principal examination (Scries 26).

The applicant must also complete a Form ADV for the state of Washington.

- (2) An individual applicant, an officer if the applicant is a corporation or a general partner if the applicant is a partnership any one of which has completed the uniform investment adviser law examination with a score of seventy percent or better and which holds one of the following designations, shall not be required to complete the exams designated in subsection (1)(a) and (b) of this section in order to apply for an investment advisers license:
 - (a) Chartered investment counselor, or
 - (b) Chartered financial analyst, or
- (c) Certified financial planner which designation is completed on or after the effective date of these rules.

The applicant must also complete a Form ADV for the state of Washington) for an applicant to become licensed in this state as an investment adviser the individual applicant, an officer of the applicant if the applicant is a corporation, or a general partner of the applicant if the applicant is a partnership, shall:

(a) Pass the uniform investment adviser law examination (series 65);

(b)(i) Pass the NASD general securities principal examination (series 24); or

- (ii) Pass the NASD investment company products/variable contracts principal examination (series 26); or
 - (iii) Hold one of the following designations:
 - (A) Chartered investment counselor;
 - (B) Chartered financial analyst;
 - (C) Certified financial planner;
 - (D) Chartered financial consultant;
 - (E) Accredited personal financial specialist; and
 - (c) File a completed Form ADV.
- (((3))) (2) If the individual officer who takes the examination on behalf of a corporate applicant or the individual general partner who takes the examination on behalf of a partnership ceases to be an officer or general partner, then the investment adviser must notify the securities division of a substitute officer or general partner who has passed the examinations required in subsection (1) of this section within two months in order to maintain the investment adviser license.
- (((4))) (3) In order to ((be)) become licensed in this state as an investment adviser salesperson (representative) ((the individual applicant shall complete the uniform investment adviser law examination with a score of seventy percent or better and complete one of the following with a score of seventy percent or better unless subsection (6) of this section applies:
- (a) NASD general securities representative examination (Series 7), or
- (b) NASD investment company products/variable contracts limited representative qualifications examination (Series 6).

The applicant must also complete the Form U-4 for the state of Washington.

- (5) An individual who has completed the uniform investment adviser law examination with a score of seventy percent or better and who holds one of the following designations shall not be required to complete the exams designated in subsection (4) of this section in order to apply for an investment adviser salesperson (representative) license.
 - (a) Chartered investment counselor
 - (b) Chartered financial analyst
- (c) Certified financial planner whose designation is completed on or after the effective date of these rules.

The applicant must also complete the Form U-4 for the state of Washington)), an applicant shall:

- (a) Pass the uniform investment adviser law examination (series 65); and
- (b)(i) Pass the NASD general securities representative examination (series 7); or
- (ii) Pass the NASD investment company products/variable contracts limited representative qualifications examination (series 6); or
 - (iii) Hold one of the following designations:
 - (A) Chartered investment counselor;
 - (B) Chartered financial analyst;
 - (C) Certified financial planner; (D) Chartered financial consultant;
 - (E) Accredited personal financial specialist; and
 - (c) File a completed Form U-4.
- (((6))) (4) The administrator may waive the testing requirements in subsection (((5))) (3) of this section for an investment adviser representative whose activities will be limited to supervising the firm's investment advisory activities in Washington, provided that the applicant has been employed for five years preceding the filing of the application in a supervisory capacity, or as a portfolio manager, by an investment adviser registered under the Investment Advisers Act of 1940 for at least five years and the investment adviser has been engaged in rendering "investment supervisory services" as defined in section 202 (a)(13) of the Investment Advisers Act of 1940.
- (((77)) (5) Any individual who has been retained or employed by an investment adviser to solicit clients or offer the services of the investment adviser or manage the accounts of said clients any time during the two years prior to application and who has previously passed the required examination in subsection (1) or (((4))) (3) of this section or the Washington state investment advisers examination shall not be required to retake the examination(s) to be eligible to be relicensed as an investment adviser salesperson (representative) upon application: PROVIDED, That until January 1, 1991, the uniform securities agent state law examination (series 63) may be substituted for the uniform investment adviser law examination (series 65) for the purpose of fulfilling the requirements of subsections (1) and (3) of this section by

any individual investment adviser applicant, or general partner or officer of an investment adviser applicant, or investment adviser salesperson (representative) applicant who is registered in Washington as a securities salesperson and has been so registered for at least one year.

WSR 90-01-062 EMERGENCY RULES DEPARTMENT OF LICENSING

[Filed December 18, 1989, 9:22 a.m.]

Date of Adoption: December 14, 1989.

Purpose: To revise the examination requirements for investment adviser and investment adviser salesperson registration.

Citation of Existing Rules Affected by this Order: Amending WAC 460-24A-050.

Statutory Authority for Adoption: RCW 21.20.070 and 21.20.450.

Pursuant to RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: Legislation effective July 23, 1989, requires financial planners to register as investment advisers or investment adviser salespersons. A new examination required for such registration has had an unusually low passage rate. Without modification of the examination requirement, those already in the business, who are otherwise qualified for such registration will be unable to register. As a result there will be inadvertent as well as intentional violations of the law requiring registration. Modification of the examination requirements will allow qualified persons to operate their existing businesses in compliance with the law by eliminating unnecessary obstacles to investment adviser and investment adviser salesperson registration.

Other Findings Required by Other Provisions of Law as Precondition to Adoption or Effectiveness of Rule: The director finds that these rules are necessary or appropriate in the public interest or for the protection of investors and consistent with the purposes fairly intended by the policy and provisions of chapter 21.20 RCW.

Effective Date of Rule: Immediately.

December 14, 1989 Mary Faulk Director

AMENDATORY SECTION (Amending Order SDO-123-89, filed 8/17/89, effective 9/17/89)

WAC 460-24A-050 INVESTMENT ADVISER AND INVESTMENT ADVISER SALESPERSON (REPRESENTATIVE) REGISTRATION AND EXAMINATIONS. (1) In order ((to be licensed in this state as an investment adviser the individual applicant, the officer if the applicant is a corporation or a general partner if the applicant is a partnership shall complete the uniform investment adviser law examination with a

score of seventy percent or better and complete one of the following with a score of seventy percent or better:

- (a) NASD general securities principal examination (Series 24) or
- (b) NASD investment company products/variable contracts principal examination (Series 26).

The applicant must also complete a Form ADV for the state of Washington.

- (2) An individual applicant, an officer if the applicant is a corporation or a general partner if the applicant is a partnership any one of which has completed the uniform investment adviser law examination with a score of seventy percent or better and which holds one of the following designations, shall not be required to complete the exams designated in subsection (1)(a) and (b) of this section in order to apply for an investment advisers license:
 - (a) Chartered investment counselor, or
 - (b) Chartered financial analyst, or
- (c) Certified financial planner which designation is completed on or after the effective date of these rules.

The applicant must also complete a Form ADV for the state of Washington)) for an applicant to become licensed in this state as an investment adviser the individual applicant, an officer of the applicant if the applicant if the applicant if the applicant is a partnership, shall:

- (a) Pass the uniform investment adviser law examination (series 65); and
- (b)(i) Pass the NASD general securities principal examination (series 24); or
- (ii) Pass the NASD investment company products/variable contracts principal examination (series 26); or
 - (iii) Hold one of the following designations:
 - (A) Chartered investment counselor,
 - (B) Chartered financial analyst;
 - (C) Certified financial planner,
 - (D) Chartered financial consultant;
 - (E) Accredited personal financial specialist; and
 - (c) File a completed Form ADV.
- (((3))) (2) If the individual officer who takes the examination on behalf of a corporate applicant or the individual general partner who takes the examination on behalf of a partnership ceases to be an officer or general partner, then the investment adviser must notify the securities division of a substitute officer or general partner who has passed the examinations required in subsection (1) of this section within two months in order to maintain the investment adviser license.
- (((4))) (3) In order to ((be)) become licensed in this state as an investment adviser salesperson (representative) ((the individual applicant shall complete the uniform investment adviser law examination with a score of seventy percent or better and complete one of the following with a score of seventy percent or better unless subsection (6) of this section applies:
- (a) NASD general securities representative examination (Series 7), or
- (b) NASD investment company products/variable contracts limited representative qualifications examination (Series 6).

The applicant must also complete the Form U-4 for the state of Washington.

- (5) An individual who has completed the uniform investment adviser law examination with a score of seventy percent or better and who holds one of the following designations shall not be required to complete the exams designated in subsection (4) of this section in order to apply for an investment adviser salesperson (representative) license.
 - (a) Chartered investment counselor
 - (b) Chartered financial analyst
- (c) Certified financial planner whose designation is completed on or after the effective date of these rules.

The applicant must also complete the Form U-4 for the state of Washington)), an applicant shall:

- (a) Pass the uniform investment adviser law examination (series 65); and
- (b)(i) Pass the NASD general securities representative examination (series 7); or
- (ii) Pass the NASD investment company products/ variable contracts limited representative qualifications examination (series 6); or
 - (iii) Hold one of the following designations:
 - (A) Chartered investment counselor,
 - (B) Chartered financial analyst;
 - (C) Certified financial planner,
 - (D) Chartered financial consultant;
 - (E) Accredited personal financial specialist; and
 - (c) File a completed Form U-4.
- (((6))) (4) The administrator may waive the testing requirements in subsection (((5))) (3) of this section for an investment adviser representative whose activities will be limited to supervising the firm's investment advisory activities in Washington, provided that the applicant has been employed for five years preceding the filing of the application in a supervisory capacity, or as a portfolio manager, by an investment adviser registered under the Investment Advisers Act of 1940 for at least five years and the investment adviser has been engaged in rendering "investment supervisory services" as defined in section 202 (a)(13) of the Investment Advisers Act of 1940.
- $((\frac{7}{7}))$ (5) Any individual who has been retained or employed by an investment adviser to solicit clients or offer the services of the investment adviser or manage the accounts of said clients any time during the two years prior to application and who has previously passed the required examination in subsection (1) or ((4))) (3) of this section or the Washington state investment advisers examination shall not be required to retake the examination(s) to be eligible to be relicensed as an investment adviser salesperson (representative) upon application: PROVIDED, That until January 1, 1991, the uniform securities agent state law examination (series 63) may be substituted for the uniform investment adviser law examination (series 65) for the purpose of fulfilling the requirements of subsections (1) and (3) of this section by any individual investment adviser applicant, or general partner or officer of an investment adviser applicant, or investment adviser salesperson (representative) applicant who is registered in Washington as a securities salesperson and has been so registered for at least one year.

WSR 90-01-063 EMERGENCY RULES DEPARTMENT OF NATURAL RESOURCES

[Order 567-Filed December 18, 1989, 1:45 p.m.]

Date of Adoption: December 18, 1989.

Purpose: To amend Order No. 561, chapter 332-130 WAC, Minimum standards for land boundary surveys and geodetic control surveys and guidelines for the preparation of land descriptions.

Citation of Existing Rules Affected by this Order: Amending WAC 332-130-030, 332-130-070, 332-130-080 and 332-130-090.

Statutory Authority for Adoption: RCW 58.24.040(1).

Pursuant to RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: In adopting Order 561, filed May 11, 1989, the agency set a deadline of January 1, 1990, for adopting a specific measurement analysis standard. At present, the industry is clearly not capable of responding to this type of regulation and will experience undue hardship. It is necessary to immediately amend these rules to allow additional time for the development of this minimum standard. Also, there are two sections of Order 561 that are inadvertently causing excessive costs to the industry. These must also be amended immediately to provide relief. Permanent rules cannot be completed in time to address these needs.

Effective Date of Rule: Immediately.

December 18, 1989 James A. Stearns Supervisor

Chapter 332-130 WAC

MINIMUM STANDARDS FOR LAND BOUNDARY SURVEYS AND GEODETIC CONTROL SURVEYS AND GUIDELINES FOR THE PREPARATION OF LAND DESCRIPTIONS

AMENDATORY SECTION (Amending Order 561, filed 5/11/89)

WAC 332-130-030 LAND SUBDIVISION AND CORNER RESTORATION STANDARDS—RECORDING. The following requirements apply when a land boundary survey is performed.((:)) If, in the professional judgment of the surveyor, the procedures of (1) and (2) below are not necessary to perform the survey, departures from these requirements shall be explained and/or shown on the survey map produced.

(1) The reestablishment of lost GLO or BLM corners and the subdividing of sections shall be done according to applicable GLO or BLM plats and field notes and in compliance with the rules as set forth in the appropriate GLO or BLM Manual of Surveying Instructions, manual supplements and circulars. Federal or state court decisions that influence the interpretation of the rules

should be considered. Methods ((and data)) used for such corner reestablishment or section subdivision shall be ((stated)) described on ((filed or recorded documents)) the survey map produced.

- (2) All maps, plats, or plans showing a land boundary survey shall show all the corners found, established, reestablished and calculated, including corresponding directions and distances, which were used to survey and which will be necessary to resurvey the parcel shown. Additionally, all such maps, plats, or plans shall show sufficient section subdivision data, or other such controlling parcel data, necessary to support the position of any section subdivisional corner or controlling parcel corner used to reference the parcel surveyed. Where a portion or all of this information is already shown on a record filed or recorded in the county recording office of the county in which the parcel is located, reference may be made to that record in lieu of providing the required data.
- (3) Documentation shall be provided for all GLO or BLM corner(s) or point(s) used to control the location of the parcel surveyed. This requirement shall be met by providing on the document produced:
- (a) The information required by both the Survey Recording Act and the history and evidence found sections of the Land Corner Record Form; or
- (b) The recording data of a document(s) that provides the required information and is filed or recorded in the county recording office of the county in which the parcel is located.
- (4) Every corner originally monumented by the GLO or BLM that is physically reestablished shall be monumented in accordance with the Survey Recording Act. If the reestablished corner is not filed or recorded as part of a record of survey, plat or short plat, at least three references shall be established and filed or recorded on a Land Corner Record Form. If the reestablished corner is filed or recorded as part of a record of survey, plat or short plat, then ties to at least two other monuments shown on the record document may serve in lieu of the required references. A valid set of coordinates on the Washington coordinate system may serve as one of the references. However, to best ensure an accurate relocation, references in close proximity to the corner are recommended. Monuments placed shall be magnetically locatable and include a cap stamped with the appropriate corner designation as defined in the current BLM Manual of Surveying Instructions.

AMENDATORY SECTION (Amending Order 561, filed 5/11/89)

WAC 332-130-070 SURVEY STANDARDS((=TRANSITION PERIOD)). ((Until January 1, 1991, t))
The accuracy or precision of field work may be determined and reported by either relative accuracy procedures or ((the current)) field traverse standards, provided that the final result shall meet or exceed the ((current)) standards contained in WAC 332-130-090. ((On or after January 1, 1991, relative accuracy standards shall be the sole applicable standard.))

AMENDATORY SECTION (Amending Order 561, filed 5/11/89)

WAC 332-130-080 RELATIVE ACCURACY—PRINCIPLES. ((On or before January 1, 1990, specific relative accuracy standards will be adopted by the department of natural resources to take effect on January 1, 1991.)) The following principles of relative accuracy are provided ((in the interim)) to guide those who may be analyzing their work by these procedures.

- (1) Relative accuracy means the theoretical uncertainty in the location of any point or corner relative to other points or corners set, found, reestablished, or established. A standard of relative accuracy can be achieved by using appropriate equipment and implementing field and office procedures that will result in a ninety-five percent probability of achieving the accuracy required.
- (2) Relative accuracy is not related to uncertainties due to differences between measured values and record values or uncertainties in the geodetic position.
- (3) In the application of a relative accuracy standards, the surveyor must consider the established land use patterns, land values of and in the vicinity of the surveyed parcel, and the client's intended use of the property. Higher levels of precision are expected to be used in situations necessitating higher accuracy.
- (4) Each land boundary survey should contain a statement identifying the method of mathematical analysis used in achieving a stated relative accuracy.

Reviser's note: RCW 34.05.395 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

AMENDATORY SECTION (Amending Order 561, filed 5/11/89)

WAC 332-130-090 FIELD TRAVERSE STAN-DARDS FOR LAND BOUNDARY SURVEYS. The following standards shall apply to field traverses used in land boundary surveys. Such standards should be considered minimum standards only. Higher levels of precision are expected to be utilized in areas with higher property values or in other situations necessitating higher accuracy.

- (1) Linear closures after azimuth adjustment.
- - (b) City residential and subdivision lots 1:5,000
- (c) Section subdivision, new subdivision boundaries for residential lots and interior

- (2) Angular closure.
- (a) Where 1:10,000 minimum linear closure is required, the maximum angular error in seconds shall be determined by the formula of 10 n, where "n" equals the

number of angles in the closed traverse ((or three seconds per angle whichever is the least)).

(b) Where 1:5,000 minimum linear closure is required, the maximum angular error in seconds shall be determined by the formula of 30 n where "n" equals the number of angles in the closed traverse ((or eight seconds per angle, whichever is the least)).

Reviser's note: RCW 34.05.395 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

WSR 90-01-064 NOTICE OF PUBLIC MEETINGS DEPARTMENT OF COMMUNITY DEVELOPMENT

[Memorandum-December 13, 1989]

A public hearing on the proposed 1990 Department of Energy (DOE) weatherization assistance program state plan has been scheduled for Tuesday, January 30, 1990, at:

> The Westwater Inn Room 252 2300 Evergreen Park Drive Olympia, Washington 98502

The hearing will begin promptly at 1:30 p.m., and close at 2:30 p.m. unless additional time is required for public testimony.

Typewritten copies of all oral testimony are requested. There will be a question and answer period. Written testimony will be accepted until 5:00 p.m. on Friday, February 2, 1990, sent to the attention of:

Michael C. Piper Assistant Director Housing Division Ninth and Columbia Building Mailstop GH-51 Olympia, Washington 98504-4151

If you have any questions, or need additional information, please contact Brooke Myers Wickham at (206) 586-5574.

WSR 90-01-065 NOTICE OF PUBLIC MEETINGS OIL AND GAS CONSERVATION COMMITTEE

[Memorandum—December 14, 1989]

The January 16, 1990, meeting of the Washington Oil and Gas Conservation Committee has been cancelled by Chairman Don Ford due to a lack of agenda items.

The proposed revisions of the rules and regulations, chapter 334-12 WAC cannot be finalized at this time because of the prelegislative-session work load at the office of the code reviser. Final versions of the revisions will be distributed in March and these will be analyzed

in a public hearing during the next meeting of the committee.

The next regularly scheduled meeting will be April 17, 1990.

WSR 90-01-066 PERMANENT RULES DEPARTMENT OF WILDLIFE (Wildlife Commission)

[Order 410—Filed December 18, 1989, 3:45 p.m.]

Date of Adoption: October 7, 1989. Purpose: To repeal expired WACs.

Citation of Existing Rules Affected by this Order: Repealing WAC 232-28-617 1988-90 Washington game fish regulations; 232-28-61706 Amendment to 1988-90 Game fish regulations—Wapato Lake (Chelan County); 232-28-61713 Amendment to 1988-90 Washington game fish regulations—Mayfield Lake; 232-28-61720 Amendment to 1988-90 Game fish seasons and catch limits—Columbia River regulations license reciprocity provisions between Oregon and Washington; 232-28-61721 Amendment to 1988-90 Game fish regulations—Toutle River (Lewis County); and 232-28-61722 Amendment to 1988-90 Game fish regulations—Sooes (Suez) River and Tributaries.

Statutory Authority for Adoption: RCW 77.12.040. Pursuant to notice filed as WSR 89-17-150 on August 23, 1989.

Effective Date of Rule: April 15, 1990.

December 16, 1989 John McGlenn Chairman Wildlife Commission

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 232-28-617 1988-90 Washington game fish regulations.

WAC 232-28-61706 Amendment to 1988-90 Game fish regulations — Wapato Lake (Chelan County).

WAC 232-28-61713 Amendment to 1988-90 Washington game fish regulations — Mayfield Lake.

WAC 232-28-61720 Amendment to 1988-90 Game Fish Seasons and Catch Limits — Columbia River Regulations License Reciprocity Provisions Between Oregon and Washington

WAC 232-28-61721 Amendment to 1988-90
Game Fish Regulations — Toutle River (Lewis County
WAC 232-28-61722 Amendment to 1988-90
Game Fish Regulations — Sooes (Suez) River and
Tributaries

WSR 90-01-067 PERMANENT RULES DEPARTMENT OF WILDLIFE (Wildlife Commission)

[Order 413—Filed December 18, 1989, 3:47 p.m.]

Date of Adoption: October 7, 1989.

Purpose: To establish 1990-92 Washington game fish regulations.

Statutory Authority for Adoption: RCW 77.12.040. Pursuant to notice filed as WSR 89-17-149 on August 23, 1989.

Effective Date of Rule: April 15, 1990.

December 16, 1989
John McGlenn
Chairman
Wildlife Commission

NEW SECTION

WAC 232-12-618 1990-92 WASHINGTON GAME FISH REGULATIONS.

Reviser's note: The text and accompanying pamphlet comprising the 1990-92 Washington game fish regulations adopted by the Department of Wildlife have been omitted from publication in the Register under the authority of RCW 34.05.210(4) as being unduly cumbersome to publish. Copies of the rules may be obtained from the main office of the Department of Wildlife, 600 Capitol Way North, Olympia, Washington 98501-1091, and are available in pamphlet form from the department, its six regional offices, and at numerous drug and sporting goods stores throughout the state.

WSR 90-01-068 PERMANENT RULES DEPARTMENT OF WILDLIFE

(Wildlife Commission)

[Order 414—Filed December 18, 1989, 3:48 p.m.]

Date of Adoption: October 7, 1989.

Purpose: To establish 1990-92 Washington game fish seasons and catch limits.

Statutory Authority for Adoption: RCW 77.12.040. Pursuant to notice filed as WSR 89-17-151 on August 23, 1989.

Changes Other than Editing from Proposed to Adopted Version: The special regulation for all or a portion of Rattlesnake Creek and Yakima River were changed from bait prohibited to catch and release only "selective fishery" to conserve fish stocks which may be threatened; the special regulation for all or a portion of the Stillaguamish River was changed to modify the distance from the barrier dam classified as "closed waters" to accommodate special characteristics of these waters; the special regulation for all or part of the Tolt River was changed to wild steelhead release in response to a decline in summer run steelhead returns; the special regulation for all or part of the Kalama River was changed to extend the distance below the temporary fish rack as "closed waters" for consistency with Department of Fisheries regulations in these same waters; the special regulation for all or part of Lenore Lake was changed to modify the opening and closing dates; and minor technical revisions have been made throughout the adopted

version of the WAC to use consistent terminology, clarify obvious conflicts and ambiguities, supply obvious omissions and to correct or provide more specific statement of dates, limits, restricted and closed areas.

Effective Date of Rule: April 15, 1990.

John McGlenn Chairman Wildlife Commission

NEW SECTION

WAC 232-28-618 1990-92 WASHINGTON GAME FISH SEASONS AND CATCH LIMITS.

Reviser's note: The text and accompanying pamphlet comprising the 1990-92 Washington game fish seasons and catch limits adopted by the Department of Wildlife have been omitted from publication in the Register under the authority of RCW 34.05.210(4) as being unduly cumbersome to publish. Copies of the rules may be obtained from the main office of the Department of Wildlife, 600 Capitol Way North, Olympia, Washington 98501-1091, and are available in pamphlet form from the department, its six regional offices, and at numerous drug and sporting goods stores throughout the state.

WSR 90-01-069 PERMANENT RULES DEPARTMENT OF WILDLIFE (Wildlife Commission)

[Order 415—Filed December 18, 1989, 3:50 p.m.]

Date of Adoption: October 6, 1989.

Purpose: To provide department personnel with clear authority to sample and/or remove any part of a steel-head or other wildlife from any person or business for data collection purposes. The regulation will enhance the department's ability to collect data in a consistent and comprehensive manner.

Statutory Authority for Adoption: RCW 77.12.040. Pursuant to notice filed as WSR 89-17-146 on August 23, 1989.

Effective Date of Rule: Thirty-one days after filing.

December 16, 1989

John McGlenn Chairman Wildlife Commission

NEW SECTION

WAC 232-12-082 COLLECTION OF SAMP-LING DATA — UNLAWFUL ACTS It is unlawful for any person or corporation licensed by the department to fail to comply with the directions of authorized department personnel related to the collection of sampling data and/or material from wildlife. It is also unlawful for any such person or corporation to fail to relinquish to the department, upon request, any part of steelhead or other species of fish commonly found in fresh water, containing coded—wire tags, including but not limited to, the snouts of those steelhead that are marked with clipped left ventral fins. This section does not apply to those species of fish classified as food fish by the director of fisheries or to private sector cultured aquatic products on aquatic farms.

WSR 90-01-070 EMERGENCY RULES DEPARTMENT OF WILDLIFE (Wildlife Commission)

[Order 416—Filed December 18, 1989, 3:52 p.m.]

Date of Adoption: December 16, 1989.

Purpose: Early closure of snow goose season in Island, Skagit, Snohomish, and Whatcom counties to protect snow goose breeding population.

Statutory Authority for Adoption: RCW 77.12.040.

Pursuant to RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: The 1989-90 western Washington goose season was adopted by the Wildlife Commission on August 12, 1989, to be open from October 14, 1989, through January 7, 1990. The season for snow geese was based on reports of good production on the breeding grounds on Wrangel Island, USSR. Recent reports from Soviet biologists indicate that earlier reports were incomplete and a late freeze on Wrangel Island killed all goslings, and possibly 6,000-10,000 breeding adults. November 21, 1989, photo counts conducted on the Frazer Delta, B.C. and Skagit Delta indicate a reduction of the population from 44,000 in 1988 to approximately 35,000 this year. Age ratio counts show less than one percent juveniles in the population, indicating that future reproduction is dependent on the remaining adult breeding population. This represents the second consecutive reproductive failure on Wrangel Island. Typically harvest increases significantly in the Skagit area during the last week in December and the first week in January because of changes in feeding habits of the geese. The majority of the harvest has historically occurred during this period because of inland migration of the birds. The harvest of snow geese must be limited to insure adequate numbers of adult breeding birds for future production.

Effective Date of Rule: Immediately.

December 16, 1989

John McGlenn

Chairman

Wildlife Commission

NEW SECTION

WAC 232-28-41302 1989-90 UPLAND GAME BIRD AND MIGRATORY WATERFOWL HUNT-ING SEASONS – ISLAND, SKAGIT, SNOHOMISH AND WHATCOM COUNTIES Notwithstanding the provisions of WAC 232-28-413, effective December 25, 1989, it is unlawful to hunt snow geese in Island, Skagit, Snohomish, and Whatcom Counties.

WSR 90-01-071 PREPROPOSAL COMMENTS DEPARTMENT OF ECOLOGY

[Order 89-62-Filed December 18, 1989, 3:54 p.m.]

Subject of Possible Rule Making: Rules are being drafted to amend the dangerous waste regulations, chapter 173-303 WAC. These regulations contain state and federal requirements for those who generate, transport, treat, store, dispose or otherwise manage hazardous wastes.

Persons may comment on this subject in writing or by telephone, Hugh O'Neill, (206) 459-6913, Department of Ecology, Mailstop PV-11, Olympia, Washington 98504-8711, Monday through Friday, 8:00 a.m. to 5:00 p.m.

Other Information or Comments by Agency at this Time, if any: The state dangerous waste regulations, chapter 173-303 WAC, need to be updated periodically to keep up with changes at the federal level as required by the Resource Conservation and Recovery Act (RCRA), as well as to incorporate Washington's specific concerns.

December 18, 1989 Fred Olson Deputy Director

WSR 90-01-072 PROPOSED RULES DEPARTMENT OF SOCIAL AND HEALTH SERVICES (Public Assistance)

[Filed December 19, 1989, 11:49 a.m.]

Original Notice.

Title of Rule: WAC 388-14-200, Eligibility—Assignment of support rights—Cooperation with office of support enforcement—Effect of noncooperation.

Purpose: To amend rule to clarify cooperation procedures regarding AFDC recipients.

Statutory Authority for Adoption: RCW 74.20A.270. Statute Being Implemented: RCW 74.20A.270.

Summary: Establishes that Office of Support Enforcement staff are submitting cooperation evidence to the IV-A agency for a cooperation decision. Also provides additional information to the AFDC recipient regarding cooperation evidence.

Reasons Supporting Proposal: This rule is necessary to clarify cooperation procedures pursuant to an agreed settlement entered in federal district court on June 7, 1989.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Michael A. Ricchio, Office of Support Enforcement, 586–3507.

Name of Proponent: Department of Social and Health Services, governmental.

Rule is necessary because of federal court decision, Helen De Armond vs. Jule Sugarman, No. C88-608T.

Explanation of Rule, its Purpose, and Anticipated Effects: Same as above.

Proposal Changes the Following Existing Rules: See above.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

Hearing Location: 12th and Franklin, OB-2 Auditorium, Olympia, Washington, on February 1, 1990, at 10:00 a.m.

Submit Written Comments to: Troyce Warner, Chief, Office of Issuances, Department of Social and Health Services, Mailstop OB-33H, Olympia, Washington 98504, by February 1, 1990.

Date of Intended Adoption: February 13, 1989 [1990].

December 19, 1989 Leslie F. James, Director Administrative Services

AMENDATORY SECTION (Amending Order 2738, filed 12/14/88)

WAC 388-14-200 ELIGIBILITY—ASSIGNMENT OF SUP-PORT RIGHTS—COOPERATION WITH OFFICE OF SUPPORT ENFORCEMENT—EFFECT OF NONCOOPERATION. This section establishes the initial and continuing requirements which affect eligibility for aid to families with dependent children. These requirements also affect eligibility for family independence program services.

- (1) Beginning August 1, 1975, as a condition of eligibility for assistance, each applicant/recipient shall make assignment to the office of support enforcement of any and all right, title, and interest in any support obligation the applicant/recipient may have. This includes support rights of any other family member for whom the applicant/recipient is applying for or receiving financial assistance. It also includes rights to support which have accrued at the time such assignment is executed. Through this assignment, the applicant/recipient authorizes the office of support enforcement to provide services for the family, and to continue to provide services after the family stops receiving assistance, until services are terminated under this chapter.
- (2) When the applicant/recipient satisfies subsection (1) of this section ((is satisfied)), the department may require further cooperation ((is further required)) by the applicant/recipient as a continuing condition of eligibility for assistance unless the department determines ((that)) the applicant/recipient has good cause not to cooperate under WAC 388-24-111. The applicant/recipient's cooperation includes, but is not limited to, assisting the office of support enforcement in or by doing the following:
 - (a) Identifying and locating absent parents by:
- (i) Providing ((aH)) relevant information known to, possessed by, or reasonably obtainable by the applicant/recipient about the absent parent, such as the absent parent's:
 - (A) Name and known aliases;
 - (B) Address;
 - (C) Telephone number or numbers;
 - (D) Social Security number;
 - (E) Employment history; and
 - (F) Physical description.
- (ii) Providing data regarding the date and place of marriage, separation, divorce, or dissolution, and copies of any documents, ((which are)) reasonably obtainable without fee, including any court orders establishing paternity and/or support obligations;
- (iii) Providing information ((to establish)) establishing the support debt amount ((of the support debt)) accrued ((prior to)) before the application. Applicants shall give information at the time of application and/or at a later time, if requested by the office of support enforcement, to supplement existing information.
- (b) Notifying the office of support enforcement when there are changes in information concerning the absent parent;
 - (c) Establishing the paternity of a child:
- (i) The applicant shall take ((aH)) reasonable action requested by the office, the prosecuting attorneys, the attorney general, private attorneys compensated under RCW 74.20.350, courts, or other agencies in:
 - (A) Administrative hearings; or
- (B) Actions to ((prosecute or maintain any legal action or remedy for the establishment of)) establish paternity; or

- (C) Investigations preparatory to or supplementary to such hearings or actions.
- (ii) The applicant shall assist in the development of medical and anthropological evidence relating to the alleged father's paternity based ((upon)) on tests performed by experts on the mother and the child.
- (d) Establishing and collecting support and/or ((in)) obtaining support payments or ((any)) other payments or property due the applicant/recipient or a dependent child. The applicant shall take ((all)) reasonable action requested by the office of support enforcement, the prosecuting attorneys, the attorney general, private attorneys compensated under RCW 74.20.350, courts or other agencies in:
 - (i) Administrative hearings; or
- (ii) Actions to ((prosecute or maintain any legal action or remedy for the establishment)) establish or ((collection of)) collect support obligations; or
- (iii) Investigations preparatory to or supplementary to such hearings or actions.
- (e) Remitting ((all)) support payments the applicant/recipient receives, from any person or agency, to the office of support enforcement within eight days of receipt of said payments;
- (f) Executing a repayment agreement and repaying retained support moneys under the agreement.
- (3) An applicant/recipient may attest to the lack of information, under penalty of perjury, if:
 - (a) ((He or she)) The applicant/recipient submits to an interview:
- (i) Conducted by the office of support enforcement, a prosecuting attorney, the attorney general, or private attorney compensated under RCW 74.20.350; and
 - (ii) Answers questions intended to obtain relevant information.
- (b) The ((requested information is)) applicant/recipient does not ((known to)) know of, ((possessed by)) possess, or cannot reasonably ((obtainable by)) obtain the ((applicant/recipient)) department's requested information.
- (4) ((Any)) The department shall consider an applicant/recipient who attests to the lack of information ((shall be considered)) to be cooperating, as required under this section, unless the:
- (a) ((The)) Applicant/recipient fails or refuses to submit to an interview and answer questions;
- (b) ((The)) Department produces credible evidence which shows that the applicant/recipient's attestation is false; or
- (c) ((The)) Applicant/recipient previously gave inconsistent information for which ((he or she)) the applicant/recipient has no reasonable explanation.
 - (5) The department may not refuse to:
 - (a) Allow the applicant/recipient to sign an attestation; or
- (b) Sanction ((him or her)) the applicant/recipient for failure to cooperate merely because previous attempts to identify an absent parent resulted in blood test results excluding the person identified.

The applicant/recipient, however, must cooperate with any necessary retesting.

- (6) ((The department shall find the applicant/recipient ineligible to receive assistance if the applicant/recipient fails to cooperate as defined in this section. The department shall provide any assistance for which the children may be eligible as specified in WAC 388-33-453. The department shall compute requirements for the child or children without regard to the requirements of the applicant/recipient:
- (7))) If the office, the prosecuting attorney, the attorney general, or a private attorney compensated under RCW 74.20.350, believes the applicant/recipient is not cooperating, they shall ((notify)) send notice of the alleged noncooperation to the community services office ((of)) and the ((noncooperation)) applicant/recipient. The notice shall be evidence of noncooperation and shall include a statement:
- (a) ((A statement)) Explaining how the applicant/recipient failed to cooperate with that office, including what actions were required;
- (b) ((A statement)) Of the action that office believes the applicant/recipient must take to resume cooperation;
 - (c) Informing the applicant/recipient that the:
 - (i) Same evidence is furnished to the community services office;
- (ii) Applicant/recipient may contact the community services office immediately if the applicant/recipient disagrees with the evidence, needs assistance in order to cooperate, or believes the action required is unreasonable; and
- (iii) Applicant/recipient's grant may be reduced or terminated if the IV-A agency determines the applicant/recipient failed to cooperate after a review of all of the evidence.

- (((8))) (7) The department shall include in the notice of planned action either ((attach)) a:
- (a) Copy of the ((notice)) evidence of noncooperation ((to;)); or ((include the))
- (b) Statement((s from)) of the ((notice in, the notice of planned action)) evidence of noncooperation.
- (((9))) (8) If the applicant/recipient fails to cooperate by missing an interview without reasonable excuse, cooperation resumes when the applicant/recipient appears for a rescheduled interview and either provides information or attests to the lack of information. The office of support enforcement, prosecuting attorney, attorney general, or private attorney shall reschedule the interview within seven business days from the date the applicant/recipient contacts them to reschedule an interview.
- (((10))) (9) Cooperation resumes when the applicant/recipient performs the required action. The department shall reinstate the grant effective on the date cooperation resumes.
- (((+++))) (10) If the applicant/recipient does not remit support moneys within eight days of receipt as required under WAC 388-14-200 (2)(e)(ii) and the applicant/recipient is currently receiving an AFDC grant, or cash benefits under the family independence program, the office of support enforcement shall:
- (a) Document the applicant/recipient has, in fact, received and retained support money((s)) and the amount of said money;
- (b) Issue a notice of debt as provided in WAC 388-13-020 to the applicant/recipient to recover the payments, which notice includes the following information:
- (i) An explanation of the applicant/recipient's responsibility to cooperate by turning over the support money((s)) as a condition of eligibility for public assistance, and the sanction for failure to cooperate;
- (ii) A list of the support money((s)) retained, including the dates and amounts as well as copies of any documentary evidence (such as copies of checks, front and back), the office possesses;
- (iii) A proposed repayment agreement that may include a provision for a voluntary grant deduction;
- (iv) An explanation that repaying retained support money((s)) according to a repayment agreement is a condition of cooperation;
- (v) ((A notice that)) The recipient may request an informal meeting with the office, within twenty days of the date of service of the notice of debt, to:
 - (A) Clarify the recipient's responsibilities for cooperation; and
- (B) Resolve ((any)) differences regarding the existence or amount of the claim for unremitted support money((s)) and/or the proposed repayment agreement.
- (vi) ((A notice that)) The recipient has the right to request a hearing under WAC 388-13-060 to:
- (A) Contest the department's claim of ownership of the support money identified in the notice; and/or
 - (B) The reasonableness of the proposed repayment agreement.
- (vii) A statement that the office will notify the community services office that the recipient failed to cooperate unless the recipient, within twenty days of the date of service of the notice of debt, executes the proposed repayment agreement, requests an informal meeting or requests an administrative hearing.
- (((12))) (11) The department shall base the repayment agreement on the:
- (a) ((The)) Applicant/recipient's total income and resources including the AFDC grant or cash benefits under the family independence program; and
- (b) ((The)) Total amount of retained support money((s)).
- (((13))) (12) The monthly amount of the repayment shall not exceed ten percent of the:
- (a) ((The)) Grant payment standard during any month the applicant/recipient remains in public assistance status, or
- (b) $((\overline{The}))$ Cash benefits paid under the family independence program.
- (((144))) (13) When an applicant/recipient retains support money((s)) but is no longer an active recipient of public assistance money, the office of support enforcement shall proceed under RCW 74.20A.270 and chapter 388-13 WAC, without reference to the procedural requirements of WAC 388-14-200(4).
- (((15))) (14) The office of support enforcement shall notify the community services office when the recipient fails to cooperate if the recipient:
- (a) ((The recipient)) Fails to sign a repayment agreement for the amount of retained support money((s)) claimed by the office in the

notice of debt or as determined by an administrative law judge if a hearing is requested under WAC 388-13-060;

(b) ((The recipient)) Enters into a repayment agreement but subsequently fails to make a payment under the terms of the agreement, or fails to comply with the decision of the administrative law judge.

(((16))) (15) The office of support enforcement shall promptly noti-

fy the community services office when ((either of)) the ((following changes in circumstances occurs)) recipient:

(a) ((The recipient)) Fails to enter into a repayment agreement and

then consents to do so and signs a repayment agreement;

(b) ((The recipient)) Defaults on an agreement or an administrative decision and then makes a regularly scheduled payment according to the agreement or decision.

 $((\frac{17}{17}))$ (16) Nothing in $(\frac{16}{17})$ WAC 388-14-200 makes an otherwise eligible child ineligible for public assistance because of the ((failure of)) applicant/recipient's failure to cooperate as defined in this section.

WSR 90-01-073 **EMERGENCY RULES** DEPARTMENT OF SOCIAL AND HEALTH SERVICES (Public Assistance)

[Order 2918—Filed December 19, 1989, 11:53 a.m.]

Date of Adoption: December 19, 1989.

Purpose: To clarify cooperation procedures regarding AFDC recipients.

Citation of Existing Rules Affected by this Order: Amending WAC 388-14-200.

Statutory Authority for Adoption: RCW 74.20A.270.

Pursuant to RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: This rule is necessary to clarify cooperation procedures pursuant to an agreed settlement entered in federal district court on June 7,

Effective Date of Rule: December 20, 1989, 12:01 a.m.

> December 19, 1989 Leslie F. James, Director Administrative Services

AMENDATORY SECTION (Amending Order 2738, filed 12/14/88)

WAC 388-14-200 ELIGIBILITY—ASSIGN-MENT OF SUPPORT RIGHTS—COOPERATION WITH OFFICE OF SUPPORT ENFORCEMENT-EFFECT OF NONCOOPERATION. This section establishes the initial and continuing requirements which affect eligibility for aid to families with dependent children. These requirements also affect eligibility for family independence program services.

(1) Beginning August 1, 1975, as a condition of eligibility for assistance, each applicant/recipient shall make assignment to the office of support enforcement of any and all right, title, and interest in any support obligation the applicant/recipient may have. This includes support

rights of any other family member for whom the applicant/recipient is applying for or receiving financial assistance. It also includes rights to support which have accrued at the time such assignment is executed. Through this assignment, the applicant/recipient authorizes the office of support enforcement to provide services for the family, and to continue to provide services after the family stops receiving assistance, until services are terminated under this chapter.

- (2) When the applicant/recipient satisfies subsection (1) of this section ((is satisfied)), the department may require further cooperation ((is further required)) by the applicant/recipient as a continuing condition of eligibility for assistance unless the department determines ((that)) the applicant/recipient has good cause not to cooperate under WAC 388-24-111. The applicant/recipient's cooperation includes, but is not limited to, assisting the office of support enforcement in or by doing the following:
 - (a) Identifying and locating absent parents by:
- (i) Providing ((all)) relevant information known to, possessed by, or reasonably obtainable by the applicant/ recipient about the absent parent, such as the absent parent's:
 - (A) Name and known aliases;
 - (B) Address;
 - (C) Telephone number or numbers:
 - (D) Social Security number,
 - (E) Employment history; and
 - (F) Physical description.
- (ii) Providing data regarding the date and place of marriage, separation, divorce, or dissolution, and copies of any documents, ((which are)) reasonably obtainable without fee, including any court orders establishing paternity and/or support obligations;
- (iii) Providing information ((to establish)) establishing the support debt amount ((of the support debt)) accrued ((prior to)) before the application. Applicants shall give information at the time of application and/or at a later time, if requested by the office of support enforcement, to supplement existing information.
- (b) Notifying the office of support enforcement when there are changes in information concerning the absent parent;
 - (c) Establishing the paternity of a child:
- (i) The applicant shall take ((all)) reasonable action requested by the office, the prosecuting attorneys, the attorney general, private attorneys compensated under RCW 74.20.350, courts, or other agencies in:
 - (A) Administrative hearings; or
- (B) Actions to ((prosecute or maintain any legal action or remedy for the establishment of)) establish paternity, or
- (C) Investigations preparatory to or supplementary to such hearings or actions.
- (ii) The applicant shall assist in the development of medical and anthropological evidence relating to the alleged father's paternity based ((upon)) on tests performed by experts on the mother and the $c\overline{hild}$.
- (d) Establishing and collecting support and/or ((in)) obtaining support payments or ((any)) other payments or property due the applicant/recipient or a dependent

child. The applicant shall take ((aH)) reasonable action requested by the office of support enforcement, the prosecuting attorneys, the attorney general, private attorneys compensated under RCW 74.20.350, courts or other agencies in:

(i) Administrative hearings; or

- (ii) Actions to ((prosecute or maintain any legal action or remedy for the establishment)) establish or ((collection of)) collect support obligations; or
- (iii) Investigations preparatory to or supplementary to such hearings or actions.
- (e) Remitting ((all)) support payments the applicant/recipient receives, from any person or agency, to the office of support enforcement within eight days of receipt of said payments;
- (f) Executing a repayment agreement and repaying retained support moneys under the agreement.
- (3) An applicant/recipient may attest to the lack of information, under penalty of perjury, if:
- (a) ((He or she)) The applicant/recipient submits to an interview:
- (i) Conducted by the office of support enforcement, a prosecuting attorney, the attorney general, or private attorney compensated under RCW 74.20.350, and
- (ii) Answers questions intended to obtain relevant information.
- (b) The ((requested information is)) applicant/recipient does not ((known to)) know of, ((possessed by)) possess, or cannot reasonably ((obtainable by)) obtain the ((applicant/recipient)) department's requested information.
- (4) ((Any)) The department shall consider an applicant/recipient who attests to the lack of information ((shall be considered)) to be cooperating, as required under this section, unless the:
- (a) ((The)) Applicant/recipient fails or refuses to submit to an interview and answer questions;
- (b) ((The)) Department produces credible evidence which shows that the applicant/recipient's attestation is false, or
- (c) ((The)) Applicant/recipient previously gave inconsistent information for which ((he or she)) the applicant/recipient has no reasonable explanation.
 - (5) The department may not refuse to:
- (a) Allow the applicant/recipient to sign an attesta-
- (b) Sanction ((him or her)) the applicant/recipient for failure to cooperate merely because previous attempts to identify an absent parent resulted in blood test results excluding the person identified.

The applicant/recipient, however, must cooperate with any necessary retesting.

- (6) ((The department shall find the applicant/recipient ineligible to receive assistance if the applicant/recipient fails to cooperate as defined in this section. The department shall provide any assistance for which the children may be eligible as specified in WAC 388-33-453. The department shall compute requirements for the child or children without regard to the requirements of the applicant/recipient.
- (7))) If the office, the prosecuting attorney, the attorney general, or a private attorney compensated under

- RCW 74.20.350, believes the applicant/recipient is not cooperating, they shall ((notify)) send notice of the alleged noncooperation to the community services office ((of)) and the ((noncooperation)) applicant/recipient. The notice shall be evidence of noncooperation and shall include a statement:
- (a) ((A statement)) Explaining how the applicant/recipient failed to cooperate with that office, including what actions were required; ((and))
- (b) ((A statement)) Of the action that office believes the applicant/recipient must take to resume cooperation;
 - (c) Informing the applicant/recipient that the:
- (i) Same evidence is furnished to the community services office,
- (ii) Applicant/recipient may contact the community services office immediately if the applicant/recipient disagrees with the evidence, needs assistance in order to cooperate, or believes the action required is unreasonable; and
- (iii) Applicant/recipient's grant may be reduced or terminated if the IV-A agency determines the applicant/recipient failed to cooperate after a review of all of the evidence.
- $\overline{(((8)))}$ (7) The department shall include in the notice of planned action either ((attach)) a:
- (a) Copy of the ((notice)) evidence of noncooperation ((to;)); or ((include the))
- (b) Statement((s from)) of the ((notice in, the notice of planned action)) evidence of noncooperation.
- (((+9))) (8) If the applicant/recipient fails to cooperate by missing an interview without reasonable excuse, cooperation resumes when the applicant/recipient appears for a rescheduled interview and either provides information or attests to the lack of information. The office of support enforcement, prosecuting attorney, attorney general, or private attorney shall reschedule the interview within seven business days from the date the applicant/recipient contacts them to reschedule an interview.
- (((10))) (9) Cooperation resumes when the applicant/recipient performs the required action. The department shall reinstate the grant effective on the date cooperation resumes.
- (((11))) (10) If the applicant/recipient does not remit support moneys within eight days of receipt as required under WAC 388-14-200 (2)(e)(ii) and the applicant/recipient is currently receiving an AFDC grant, or cash benefits under the family independence program, the office of support enforcement shall:
- (a) Document the applicant/recipient has, in fact, received and retained support money((s)) and the amount of said money;
- (b) Issue a notice of debt as provided in WAC 388–13–020 to the applicant/recipient to recover the payments, which notice includes the following information:
- (i) An explanation of the applicant/recipient's responsibility to cooperate by turning over the support money((s)) as a condition of eligibility for public assistance, and the sanction for failure to cooperate;
- (ii) A list of the support money((5)) retained, including the dates and amounts as well as copies of any documentary evidence (such as copies of checks, front and back), the office possesses;

- (iii) A proposed repayment agreement that may include a provision for a voluntary grant deduction;
- (iv) An explanation that repaying retained support money((s)) according to a repayment agreement is a condition of cooperation;
- (v) ((A notice that)) The recipient may request an informal meeting with the office, within twenty days of the date of service of the notice of debt, to:
- (A) Clarify the recipient's responsibilities for cooperation; and
- (B) Resolve ((any)) differences regarding the existence or amount of the claim for unremitted support money((s)) and/or the proposed repayment agreement.
- (vi) ((A notice that)) The recipient has the right to request a hearing under WAC 388-13-060 to:
- (A) Contest the department's claim of ownership of the support money identified in the notice, and/or
- (B) The reasonableness of the proposed repayment agreement.
- (vii) A statement that the office will notify the community services office that the recipient failed to cooperate unless the recipient, within twenty days of the date of service of the notice of debt, executes the proposed repayment agreement, requests an informal meeting or requests an administrative hearing.
- (((12))) (11) The department shall base the repayment agreement on the:
- (a) ((The)) Applicant/recipient's total income and resources including the AFDC grant or cash benefits under the family independence program; and
- (b) $((\frac{The}{t}))$ <u>Total</u> amount of retained support money((s)).
- $((\frac{13}{13}))$ (12) The monthly amount of the repayment shall not exceed ten percent of the:
- (a) ((The)) Grant payment standard during any month the applicant/recipient remains in public assistance status, or
- (b) ((The)) Cash benefits paid under the family independence program.
- (((14))) (13) When an applicant/recipient retains support money((s)) but is no longer an active recipient of public assistance money, the office of support enforcement shall proceed under RCW 74.20A.270 and chapter 388-13 WAC, without reference to the procedural requirements of WAC 388-14-200(4).
- (((15))) (14) The office of support enforcement shall notify the community services office when the recipient fails to cooperate if the recipient:
- (a) ((The recipient)) \underline{F} ails to sign a repayment agreement for the amount of retained support money((s)) claimed by the office in the notice of debt or as determined by an administrative law judge if a hearing is requested under WAC 388-13-060;
- (b) ((The recipient)) Enters into a repayment agreement but subsequently fails to make a payment under the terms of the agreement, or fails to comply with the decision of the administrative law judge.
- (((16))) (15) The office of support enforcement shall promptly notify the community services office when ((citer of)) the ((following changes in circumstances occurs)) recipient:

- (a) ((The recipient)) Fails to enter into a repayment agreement and then consents to do so and signs a repayment agreement;
- (b) ((The recipient)) Defaults on an agreement or an administrative decision and then makes a regularly scheduled payment according to the agreement or decision.
- (((17))) (16) Nothing in ((these rules)) WAC 388-14-200 makes an otherwise eligible child ineligible for public assistance because of the ((failure of)) applicant/ recipient's failure to cooperate as defined in this section.

WSR 90-01-074 PROPOSED RULES DEPARTMENT OF AGRICULTURE

[Filed December 19, 1989, 12:44 p.m.]

Original Notice.

Title of Rule: Amending WAC 16-516-040 Assessments and assessment funds.

Purpose: To increase the assessment rate on potatoes grown in this state from three cents per hundredweight to four cents per hundredweight.

Other Identifying Information: This is a Washington Potato Commission assessment rate change.

Statutory Authority for Adoption: RCW 15.66.040.

Statute Being Implemented: Chapter 15.66 RCW.

Summary: Amendment would increase the Washington Potato Commission assessment on all potatoes grown in this state as provided for in WAC 16-516-040.

Reasons Supporting Proposal: The assessment increase would increase the revenue to this commission to assist in funding the higher costs of research and marketing.

Name of Agency Personnel Responsible for Drafting: Roger L. Roberts, 406 General Administration Building, Olympia, WA, (206) 753-5028; Implementation and Enforcement: Washington Potato Commission, 108 Interlake Road, Moses Lake, (509) 765-8845.

Name of Proponent: Petition signed by forty-three producers as provided for in RCW 15.66.050, governmental.

Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fiscal Matters: Producers must approve in compliance with RCW 15.66.090 before this rule can become effective.

Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: The assessment increase will increase the revenue to the commission, providing additional funds for research and marketing activities.

Proposal Changes the Following Existing Rules: Increases the assessment from three cents to four cents per hundredweight.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

Hearing Location: Wallenstein Performing Arts Center, Big Bend Community College, 14th and Andrews Street, Moses Lake, Washington, on February 1, 1990, at 1:30 p.m.

Submit Written Comments to: Washington State Department of Agriculture, by February 1, 1990.

Date of Intended Adoption: April 5, 1990.

December 19, 1989 Arthur C. Scheunemann Managing Director Market Development Division

AMENDATORY SECTION (Amending Order 1684, filed 4/28/80, effective 6/1/80)

WAC 16-516-040 ASSESSMENTS AND ASSESSMENT FUNDS. (1) Assessments levied.

- (a) On and after the effective date of this order, there is hereby levied and there shall be collected by the commission, as provided in the act, upon all potatoes grown in the state an annual assessment of ((three)) four cents per hundredweight which shall be paid by the producer thereof upon each and every hundredweight of potatoes of processed, delivered for sale or processing by him or stored or delivered for storage when such storage or delivery for storage shall be outside the boundaries of this state: PROVIDED, That no assessment shall be collected on the following:
- (i) Potatoes grown and sold for seed under an established seed certification program:

(ii) Potatoes sold for livestock feed, regardless of grade;

- (iii) Potatoes sold for nonfood products, such as industrial starch;
- (iv) Potatoes of a producer's own production used by him on his own premises for seed, feed or personal consumption;
 - (v) Potatoes donated or shipped for relief or charitable purposes; or
- (vi) Sales on a producer's premises by a producer direct to a consumer of five hundred pounds or less of potatoes from a producer's own production.
- (b) The commission is authorized to provide by rule and regulation for an assessment discount not to exceed twenty-five percent of the total hundredweight on field run or ungraded potatoes to allow for cull potatoes not used or intended for use for human consumption.
- (c) No assessment levied or made collectable by the act under this order shall exceed three percent of the total market value of all such potatoes sold, processed or delivered for sale or processing by all producers of potatoes for the fiscal year to which the assessment applies.
 - (2) Collection of assessment.
- (a) All assessments made and levied pursuant to the provisions of the act under this marketing order shall apply to the respective producer who shall be primarily liable therefore. To collect such assessments, the commission may require:
- (i) Stamps to be known as "Washington potato commission stamps" to be purchased from the commission and fixed or attached to the containers, invoices, shipping documents, inspection certificates, releases or receiving receipts or tickets. Any such stamps shall be canceled immediately upon being attached or fixed and the date of such cancellation shall be placed thereon;
- (ii) Handlers receiving potatoes from the producer, including warehousemen and processors to collect producer assessments from producers whose production they handle and all moneys so collected shall be paid to the commission on or before the twentieth day of the succeeding month for the previous month's collections. Each handler shall at such times as by rule and regulation required, file with the commission a return under oath on forms to be furnished by the commission, stating the quantity of potatoes handled, processed, delivered and/or shipped during the period prescribed by the commission;
- (iii) Payment of producer assessments before the potatoes are shipped off the farm or payments of assessments at different or later times and in such event, any person subject to the assessment shall give such adequate assurance or security for its payments as the commission shall require.
- (b) The commission is authorized to make reasonable rules and regulations in accordance and conformity with the act and with this section to effectuate the collection of assessments. On or before the beginning of each marketing season, the commission shall give reasonable notice to all producers, handlers and other affected persons of the method or methods of collection to be used for that marketing season

and of the assessment discount, if any, allowable on field run or ungraded potatoes.

- (c) No affected units of potatoes shall be transported, carried, shipped, sold, stored or otherwise handled or disposed of until every due and payable assessment herein provided for has been paid and the receipt issued or stamp canceled, but no liability hereunder shall attach to common carriers in the regular course of their business. When any potatoes for which exemption as provided in subsection (1) of this section is claimed are shipped either by railroad or truck, there shall be plainly noted on the bill of lading, shipping document, container or invoice, the reasons for such exemptions.
- (d) Any producer or handler who fails to comply with the provisions of this subsection as herein provided shall be guilty of a violation of this order.
- (3) Funds.
- (a) Moneys collected by the potato commission pursuant to the act and this marketing order as assessments shall be used by the commission only for the purposes of paying for the costs or expenses arising in connection with carrying out the purposes and provisions of the act and this marketing order.
- (b) At the end of each fiscal year the commission shall credit each producer with any amount paid by such producer in excess of three percent of the total market value of all potatoes sold, processed, delivered for sale or processing during that period. Refund may be made only upon satisfactory proof given by the producer in accordance with reasonable rules and regulations prescribed by the director.

WSR 90-01-075 PERMANENT RULES STATE BOARD OF EDUCATION

[Filed December 19, 1989, 2:10 p.m.]

Date of Adoption: December 1, 1989.

Purpose: To provide a process to determine the availability or nonavailability of suitable school buildings in neighboring school districts prior to approval of new construction where suitable school buildings are not available.

Statutory Authority for Adoption: RCW 28A.47.803, 28A.47.060 and 28A.47.802.

Other Authority: RCW 28A.47.105.

Pursuant to notice filed as WSR 89-21-079 on October 18, 1989.

Other Findings Required by Other Provisions of Law as Precondition to Adoption or Effectiveness of Rule: The State Board of Education, per legislative request, section 708, chapter 12, Laws of 1989 1st ex. sess., has revamped rules regarding the construction of school facilities in the state. During the time of study and rule making, a building moratorium was imposed while corrective actions could be developed. These rules are now ready for adoption and waiting for the additional thirtyone days after filing would impose a yet greater financial burden on the school districts with projects on hold. The additional wait, coupled with the period of moratorium, could alter projects and affect the districts' ability to house students in an uncrowded and safe manner.

Effective Date of Rule: Immediately upon filing.

December 8, 1989 Monica Schmidt Secretary

NEW SECTION

WAC 180-25-060 ELIGIBILITY FOR STATE ASSISTANCE FOR NEW CONSTRUCTION—

DEFINITION—CONTIGUOUS SCHOOL DISTRICT. As used in this chapter the term "contiguous school district" means a school district sharing a common boundary with another school district.

NEW SECTION

WAC 180-25-065 ELIGIBILITY FOR STATE ASSISTANCE FOR NEW CONSTRUCTION—DEFINITION—NEGOTIATE IN GOOD FAITH. As used in this chapter the term "negotiate in good faith" means approach a school district with an available and suitable school facility with the intent to enter into an agreement to lease the facility.

NEW SECTION

WAC 180-25-070 ELIGIBILITY FOR STATE ASSISTANCE FOR NEW CONSTRUCTION—SURVEY OF AVAILABLE AND SUITABLE SCHOOL PLANT FACILITIES IN CONTIGUOUS SCHOOL DISTRICTS. A school district applying for state assistance for new construction shall conduct a documented survey of available and suitable school plant facilities in each contiguous school district that meet the needs of the applicant school district and are either currently vacant or scheduled for vacation within the foreseeable future.

NEW SECTION

WAC 180-25-075 ELIGIBILITY FOR STATE ASSISTANCE FOR NEW CONSTRUCTION—CONTENTS OF SURVEY. The survey required in WAC 180-25-070 shall include at a minimum:

- (1) A listing of contiguous school districts.
- (2) Name and title of each person contacted regarding availability of facilities.
 - (3) A listing of available facilities including location.

NEW SECTION

WAC 180-25-080 ELIGIBILITY FOR STATE ASSISTANCE FOR NEW CONSTRUCTION—APPLICATION TO SUPERINTENDENT OF PUBLIC INSTRUCTION—NECESSARY DOCUMENTATION. As part of the application submitted to the superintendent of public instruction, the district applying for state assistance for new construction shall include:

- (1) A copy of the survey conducted pursuant to WAC 180-25-070.
 - (2) A board resolution certifying one of the following:
- (a) No suitable space is available in any contiguous district:
- (b) Space is available in a contiguous district but the facilities do not meet needs of the applicant district. The applicant district shall provide substantial evidence to support the unsuitability of the available facility;
- (c) Space is available in a contiguous district but good faith negotiations did not lead to an agreement between the applicant district and the district containing the available facility. The applicant district shall provide

substantial evidence to support the lack of lease agreement including a history of the negotiations and proposed offers by each district.

(3) Other information deemed pertinent by the applicant district.

NEW SECTION

WAC 180-25-085 ELIGIBILITY FOR STATE ASSISTANCE FOR NEW CONSTRUCTION—REVIEW OF SURVEY OF AVAILABLE AND SUITABLE SCHOOL PLANT FACILITIES IN CONTIGUOUS SCHOOL DISTRICTS. The superintendent of public instruction shall review and approve the applicant school boards certification and supporting documentation submitted pursuant to WAC 180-25-080, if the certification is complete, technically accurate, and complies with all applicable rules and regulations. Until this certification is approved by the superintendent of public instruction, the school district's application for state assistance will not be forwarded to the state board of education.

NEW SECTION

WAC 180-25-090 ELIGIBILITY FOR STATE ASSISTANCE FOR NEW CONSTRUCTION—APPROVAL BY STATE BOARD OF EDUCATION OF APPLICANT'S SCHOOL DISTRICT CERTIFICATION. Upon presentation by the superintendent of public instruction, the state board of education shall approve an applicant school district's certification of the unavailability of suitable school plant facilities in contiguous school districts if it is established to the state board of education's satisfaction that vacant, available, and suitable school plant facilities neither exist nor are scheduled to exist within the foreseeable future in a contiguous school district.

WSR 90-01-076 PERMANENT RULES STATE BOARD OF EDUCATION

[Filed December 19, 1989, 2:12 p.m.]

Date of Adoption: December 1, 1989.

Purpose: To revise eligibility criterion and state matching rates for state assistance for new construction of common school facilities.

Citation of Existing Rules Affected by this Order: Amending WAC 180-27-015 and 180-27-115.

Statutory Authority for Adoption: RCW 28A.47.830, 28A.47.060 and 28A.47.802.

Pursuant to notice filed as WSR 89-21-080 on October 18, 1989.

Other Findings Required by Other Provisions of Law as Precondition to Adoption or Effectiveness of Rule: The State Board of Education, per legislative request, section 708, chapter 12, Laws of 1989 1st ex. sess., has revamped rules regarding the construction of school facilities in the state. During the time of study and rule making, a building moratorium was imposed while corrective actions could be developed. These rules are now

ready for adoption and waiting for the additional thirty—one days after filing would impose yet a greater financial burden on the school districts with projects on hold. The additional wait, coupled with the period of moratorium, could alter projects and affect the districts' ability to house students in an uncrowded and safe manner.

Effective Date of Rule: Immediately upon filing.

December 8, 1989 Monica Schmidt Secretary

AMENDATORY SECTION (Amending Order 11-83, filed 10/17/83)

WAC 180-27-015 STATE BOARD POLICY. (1) In the interpretation of the regulations in this chapter, the superintendent of public instruction shall be guided by the following state board of education policy:

- (a) To equate insofar as possible the efforts by districts to provide capital moneys;
- (b) To equalize insofar as possible the educational opportunities for the students of the state;
- (c) To establish a level of state support for the construction and modernization of school facilities consistent with moneys available; ((and))
- (d) To recognize that districts may find it necessary to apply local moneys in excess of state matching funds in order to provide facilities commensurate with their respective educational specifications; and
- (e) To recognize that districts may have reasons to remove district facilities from current inventories and provide consistent state-wide policies for removal.
- (2) Nonhigh district participation in financing the cost of secondary school facilities shall be established pursuant to the provisions of chapter 28A.56 RCW.

NEW SECTION

WAC 180-27-017 DEFINITION—SCHOOL FA-CILITIES. As used in this chapter, the term "school facilities" means school plant facilities, school plant projects, school buildings, and common school facilities placed on a permanent foundation.

NEW SECTION

WAC 180-27-018 DEFINITION—PORTABLE FACILITY. As used in this chapter, "portable facility" means any factory-built structure, transportable in one or more sections, which requires a chassis to be transported, and is designed to be used as an educational space with or without a permanent foundation when connected to the required utilities.

NEW SECTION

WAC 180-27-019 DEFINITION—INSTRUCTIONAL SPACE. As used in this chapter, the term "instructional space" means the gross amount of square footage calculated in accordance with the American Institute of Architects, document D101, The Architectural Area and Volume of Buildings, January 1980 edition, for a school facility utilized by a school district for the purpose of instructing students: PROVIDED, That the

following areas shall not be included in any calculation of instructional space:

- (1) Exterior covered walkways, cantilevered or supported.
 - (2) Exterior porches including loading platforms.
 - (3) Space used by central administrative personnel.
 - (4) Stadia and grandstands.
 - (5) Bus garages.
- (6) Free-standing warehouse space specifically designed for that purpose.
 - (7) Portable facilities.
- (8) Other square footage not otherwise available or related to direct instruction or instructional support of the education program in the district.

NEW SECTION

WAC 180-27-023 EMERGING HIGH SCHOOL DISTRICT ELIGIBILITY. If a new secondary program is being established in a nonhigh district pursuant to chapter 180-56 WAC, the district shall make application and be eligible for state funding assistance of new construction for school facilities to serve the projected high school enrollment.

AMENDATORY SECTION (Amending Order 25-85, filed 11/27/85)

WAC 180-27-115 SUPPORT LEVEL-ADDI-TIONAL ASSISTANCE. State assistance in addition to the amount determined pursuant to WAC 180-27-020 and 180-27-055 may be allowed for the purposes and in accordance with the requirements set forth in this section: PROVIDED, That in no case shall the state assistance exceed one hundred percent of the amount calculated for matching purposes: PROVIDED FUR-THER, That for projects that would qualify for additional state assistance under subsections (1) through (8) of this section, for which the local match was secured or for which the local match special bond or levy election was filed with the county auditor prior to January 27, 1989, shall receive additional state assistance at ninety percent of the approved square foot cost allowance. In each of the following exceptions, either at the time the project is approved pursuant to WAC 180-25-040 or at any time prior to receiving secured funding status pursuant to WAC 180-29-107, state board of education approval is required:

(1) Act of condemnation of a building.

A school district required to replace a school facility determined to be hazardous to the safety and health of school children and staff—as evidenced by reports of architects or engineers licensed to practice in the state of Washington, the health agency having jurisdiction, and/or the fire marshal and building official having jurisdiction—shall be eligible for additional assistance if the voters of the school district authorize the issuance of bonds and/or the levying of excess taxes to meet the statutory limits. If the state board of education determines that the voters of the school district have authorized the issuance of bonds to its legal limit, the board shall provide state financial assistance for the remaining

cost of the building to a level not exceeding the area cost allowance set forth in WAC 180-27-060.

(2) Loss of building by fire.

A school district which has lost a school facility by fire shall be eligible for additional state assistance consideration if the district first applies toward the project all insurance payments received for the loss of the structure and the voters of the school district authorize the issuance of bonds and/or the levying of excess taxes to meet the statutory limits. If the state board of education determines that the district is deficient in capital moneys and cannot legally bond for the moneys needed to replace the number of square feet for which it is eligible, the state board of education shall provide state financial assistance for the remaining cost of the project to a level not exceeding the area cost allowance set forth in WAC 180-27-060.

(3) Facilities for handicapped children.

A school district which admits handicapped children from without the district shall be eligible for additional state assistance in construction of school facilities: PRO-VIDED, That (a) handicapped children who spend less than one hundred minutes per school day in a facility designated by the school district board of directors as special purpose space shall not be counted, and (b) the additional allocation shall be ((ninety)) seventy-five percent of the approved square foot cost allowance for out-of-district handicapped students.

(4) Vocational-technical facilities.

A school district which has a vocational-technical institute shall be eligible for additional state assistance in construction of vocational-technical institute facilities: PROVIDED, That the additional assistance in excess of the amount allocable under the statutory formula shall be ((ninety)) seventy-five percent of the total approved project cost determined to be eligible for state matching purposes.

(5) Interdistrict cooperative centers.

In the financing of interdistrict cooperative projects as set forth in chapter 180-31 WAC, the state board of education shall allocate at ((ninety)) seventy-five percent of the total approved project cost determined eligible for state matching purposes if the planned school facility meets the following criteria:

- (a) Provides educational opportunities, including vocational skills programs, not otherwise provided;
- (b) Avoids unnecessary duplication of specialized or unusually expensive educational programs or facilities; or
- (c) Improves racial balance within and among participating districts.
 - (6) School housing emergency.

A school district found by the state board of education to have a school housing emergency requiring an allocation of state moneys in excess of the amount allocable under the statutory formula may be considered for an additional allocation of moneys: PROVIDED, That the school district must have authorized the issuance of bonds to its legal capacity to meet the statutory and state board of education fiscal requirements for state assistance in providing school facilities.

The total amount of state moneys allocated shall be ((ninety percent of)) the total approved project cost determined eligible for state matching purposes multiplied by the districts' regular match rate as calculated pursuant to RCW 28A.47.803 plus twenty percent and not to exceed ninety percent in total: PROVIDED FURTHER, That at any time thereafter when the state board of education finds that the financial position of such district has improved, the amount of such additional allocation shall be deducted, under conditions prescribed by the state board of education from any future state school facility construction funds which might otherwise be provided to such district.

(7) Improved school district organization.

If two or more school districts reorganize into a single school district and the construction of new school facilities results in the elimination of a small high school with a full-time equivalent enrollment in grades 9-12 of less than four hundred students and/or an elementary school with a full-time equivalent enrollment of less than one hundred students, the state board of education shall match the total approved cost of the project at ((ninety)) seventy-five percent.

(8) Racial imbalance.

Any school district that contains a school facility which is racially imbalanced as defined in WAC 180–26–025 or which contains a school facility that would have been racially imbalanced as defined in WAC 180–26–025 but for a transportation program designed to eliminate racial imbalance shall receive ((ninety)) seventy-five percent of the total approved cost of construction if the building project meets one of the following standards:

- (a) In the case of a school district which contains a racially imbalanced school facility the district must demonstrate that, as a result of new construction or modernization, the particular school facility will no longer be racially imbalanced, that the combined minority enrollment in the particular school facility will be reduced by more than ten percentage points, and that the above stated results will be obtained as a direct result of increased enrollment of nonminority students in the particular school facility.
- (b) In the case of a school district which contains a school facility that would have been racially imbalanced but for a transportation program designed to eliminate racial imbalance, the district must demonstrate that, as a result of new construction or modernization, the district will continue to contain no school plant facility which is racially imbalanced and that the expense of transportation within the district for a stated period of years will be significantly less than without the new construction or modernization. For the purpose of demonstrating eligibility of a particular school plant facility pursuant to this subsection, a district shall demonstrate that a particular school plant facility would have been racially imbalanced but for a transportation program by producing demographic data that demonstrate what the racial balance for its population would have been within the proximity attendance area of the particular school plant facility. For the purpose of demonstrating that the expense of transportation within the district for a stated

period of time will be significantly less pursuant to this subsection, a district shall demonstrate savings in to and from transportation costs, as the term "to and from" transportation is defined in WAC 392-141-120, by comparing expenses for such transportation for the school year immediately preceding the school year in which approval by the state board of education pursuant to this subsection with the amount that would have been expended for such transportation for the previous school year if the new construction or modernization was in place. In the alternative, the district shall demonstrate savings in to and from transportation by comparing such previous year's expenditures with the amount that would have been expended for such transportation if the particular school plant facility was closed. In either case, in order to demonstrate the amount of savings necessary to qualify for additional state assistance pursuant to this subsection, the district must demonstrate savings in to and from transportation for the school year of comparison equal to or exceeding five percent of the additional state assistance resulting from application of this subsection to modernization of such school plant facility or equal to or exceeding two and one-half percent of the additional state assistance resulting from application of this subsection to new construction, including new construction authorized pursuant to the replacement option of WAC 180-33-042.

When an improvement in racial balance within a school district pursuant to this section involves construction or modernization of one or more school facilities, all such school facilities shall be included in the application.

NEW SECTION

WAC 180-27-400 INSTRUCTIONAL SPACE SURVEY OF DISTRICT FACILITIES. Prior to April 1, 1990, each school district shall provide the superintendent of public instruction with the following information regarding school facilities, within the boundaries of the school district which, as of January 1, 1990, have not otherwise been redesignated for noninstructional use or disposal by a resolution or other recorded official action of the local board of directors prior to December 1, 1989:

- (1) Building name;
- (2) Location (address);
- (3) Gross square footage;
- (4) Gross square footage of available instructional space (if different than subsection (3) of this section;
- (5) Date of construction, additions, and/or modernizations; and
 - (6) Grade spans served in the facility.

The foregoing information shall be included in the active instructional space inventory of the superintendent of public instruction.

NEW SECTION

WAC 180-27-405 INSTRUCTIONAL SPACE INVENTORY OF SCHOOL FACILITIES—ELIGIBILITY. For purposes of determining district eligibility for state financial assistance for the new construction of

school facilities, except for the new construction of school facilities for which an acceptable form D-3 project request was on file with the superintendent of public instruction and local matching funds were secured prior to March 31, 1989, the superintendent of public instruction shall establish and maintain an instructional space inventory of all school facilities within the state of Washington. Such listing shall consist of the following:

- (1) Facility name;
- (2) Location (address);
- (3) Gross square footage;
- (4) Gross square footage of available instructional space (if different than subsection (3) of this section);
- (5) Date of construction, additions, and/or modernizations; and
 - (6) Grade spans served in the facility.

School facilities that are surplus and under lease per the provision of RCW 28A.58.033 are considered to be available for instructional activities and shall be included in the instructional space inventory.

NEW SECTION

WAC 180-27-410 REMOVAL FROM IN-STRUCTIONAL SPACE INVENTORY—DEMOLI-TION. A school facility shall be removed from the superintendent of public instruction active instructional space inventory five years after it has been demolished under the following conditions:

- (1) The facility is at least forty years old.
- (2) The facility is determined to be surplus to the needs of the district by the local school board.

NEW SECTION

WAC 180-27-415 REMOVAL FROM IN-STRUCTIONAL SPACE INVENTORY—SALE OR LONG-TERM LEASE OF BUILDING. A school facility shall be removed from the superintendent of public instruction's active instructional space inventory five years after it has been sold or long-term leased under the following conditions:

- (1) The facility is determined to be surplus to the needs of the district by the local school board.
- (2) The sale is in compliance with the requirements of chapter 28A.58 RCW.

For purposes of this section a long-term lease having a term of no less than forty years constitutes a sale of the building.

NEW SECTION

WAC 180-27-420 REMOVAL FROM INVENTORY—CONVERSION FROM INSTRUCTIONAL SPACE. Instructional space shall be removed from the superintendent of public instruction's active instructional space inventory if it has been converted from instructional use for five years under the following conditions:

- (1) The facility is determined to be surplus to the needs of the district by the local school board.
- (2) The school facility is not needed for instructional use by a neighboring district.

WSR 90-01-077 EMERGENCY RULES STATE BOARD OF EDUCATION

[Filed December 19, 1989, 2:16 p.m.]

Date of Adoption: December 1, 1989.

Purpose: To make additional needed changed to comprehensive school construction assistance program revisions made in chapters 180–25 and 180–27 WAC.

Citation of Existing Rules Affected by this Order: Amending WAC 180-25-025, 180-27-050 and 180-27-058; and new section WAC 180-27-425.

Statutory Authority for Adoption: RCW 28A.47.803, 28A.47.060 and 28A.47.802.

Other Authority: RCW 28A.47.105.

Pursuant to RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: These rules are a necessary part of the comprehensive, amendatory and new sections of chapters 180–25 and 180–27 WAC adopted by the State Board of Education on a permanent basis on December 1, 1989. Operation of these rules at this time is necessary to allow districts to prepare school construction projects to secure funding in July 1990.

Effective Date of Rule: Immediately.

December 8, 1989 Monica Schmidt Secretary

AMENDATORY SECTION (Amending Order 24-85, filed 11/27/85)

WAC 180-25-025 STATE STUDY AND SUR-VEY—CONTENT. The study and survey to be conducted by the superintendent of public instruction with the cooperation of the local school district shall include the following:

- (1) An inventory and area analysis of existing school facilities within the district and the physical condition of such facilities;
- (2) A long-range (i.e., minimum of six years) educational and facilities plan setting forth the projected facility needs and priorities of the district based on the educational plan;
- (3) Demographic data including population projections and projected economic growth and development;
- (4) The ability of such district to provide capital funds by local effort;
 - (5) The existence of a school housing emergency,
- (6) The need to improve racial balance and/or to avoid creation or aggravation of racial imbalance;
- (7) The type and extent of the school facilities required and the urgency of need for such facilities;
- (8) A cost/benefit analysis on the need to modernize and/or replace school facilities in order to meet current educational needs and the current state building code;
- (9) A determination from data as to whether the district is eligible to receive funds from the state board of

education for the construction and/or modernization of its school facilities;

- (10) A determination of the amount of space and the estimated state financial assistance the district is eligible to receive:
- (11) A determination of the district's time line for completion of the school facilities project;
- (12) An inventory of accessible unused or underutilized school facilities in neighboring school districts and the physical condition of such school facilities;
- (13) The need for adjustments of school attendance areas among or within such districts; and
- (14) Such other matters as the superintendent of public instruction deems pertinent to a decision by the state board of education in the allocation of funds for school facilities. Cooperation by the applicant school district in conducting the study and survey is a requisite for the superintendent of public instruction to complete the study and survey and to establish the eligibility of the district for state assistance in school facility construction.

AMENDATORY SECTION (Amending Order 11–83, filed 10/17/83)

WAC 180-27-050 SPACE ALLOCATIONS—COMPUTING BUILDING CAPACITY. The net total area of a school facility eligible for state matching purposes shall be calculated as follows:

- (1) The capacity of existing buildings within the district based on the school district's assigned grade spans shall be computed in accordance with the tables set forth in WAC 180-27-035 and the square foot area analysis set forth in WAC 180-27-040.
- (2) The number of students projected at each grade span shall be multiplied by appropriate numbers of square feet as set forth in WAC 180-27-035. (Note: The area generated at each grade level determines district eligibility, if any.)
- (3) The amount of housing the district is eligible to construct at each grade span is determined by subtracting the area computed in subsection (2) of this section from the existing housing capacity at each grade span in the school district. Using this formula, over housing at ((one grade span)) the secondary grade level, grades nine through twelve, or elementary grade level, kindergarten through eight, will not negatively affect unhoused eligibility at ((another grade span)) the elementary grade level or secondary grade level respectively.
- (4) Appropriate grade assignment is a local determination and shall not affect the above calculations.

AMENDATORY SECTION (Amending Order 25-85, filed 11/27/85)

WAC 180-27-058 STATE ASSISTANCE—PRI-ORITIES. The priority system for the funding of school construction projects during a priority approval process imposed by order of the state board of education shall be as follows:

(1) Priority one: New construction projects in districts with unhoused students other than those in priority two. Projects within this priority shall be ranked as follows:

The project with the highest percentage of unhoused students in the district by grade level on the date of project approval pursuant to WAC 180-25-040 shall be ranked highest—i.e., projected enrollment times authorized space allocation as calculated pursuant to WAC 180-27-035 divided by capacity of existing buildings as calculated pursuant to WAC 180-27-050(1). In the event two or more districts possess an equal percentage of unhoused students, the district with the greatest number of unhoused students shall be ranked the highest.

- (2) Priority two: New construction projects in districts with unhoused students due to the need to replace a building. In the event the district is precluded from educating students in a facility due to bona fide condemnation procedures, such related space requirement shall be treated as unhoused students in priority one. Projects with this priority shall be ranked as follows: The project with the highest percentage of unhoused students in the district by grade level on the date of project approval pursuant to WAC 180-25-040 shall be ranked highest. In the event two or more districts possess an equal percentage of unhoused students, the district with the greatest number of unhoused students shall be ranked the highest.
- (3) Priority three: All projects with secured local capital funding and authority to proceed pursuant to WAC 180-25-040 as of September 30, 1985, which are not included in priority one or two pursuant to this section. Projects within this priority shall be ranked pursuant to the priority system in effect as of September 30, 1985.
- (4) Priority four: New construction of vocational-technical institutes and interdistrict cooperative vocational skill center facilities. Projects within this priority shall be ranked as follows: The project with the earliest date of project approval pursuant to WAC 180-25-040 shall be ranked highest. In the event two or more projects possess the same project approval date, the project with the earliest date of application received in the office of superintendent of public instruction shall be ranked the highest. Funding allocations for this priority shall not exceed ten percent of the available funds remaining after funding eligible projects in priorities one and two or for one vocational-technical institute or interdistrict skill center project, whichever is greater.
- (5) Priority five: Modernization projects in districts with no unhoused students and not funded under priority three. Projects within this priority shall be ranked as follows: The project with the highest percentage of projected student occupancy shall be ranked the highesti.e., projected enrollment times authorized space allocation as calculated pursuant to WAC 180-27-035 divided by capacity of existing buildings as calculated pursuant to WAC 180-27-050(1). In the event two or more projects possess an equal percentage, the highest ranking shall be given to the project with the earliest date of project approval pursuant to WAC 180-25-040. For the purpose of ranking within this subsection vocational technical institute and interdistrict cooperative facilities other than interdistrict transportation cooperatives shall be considered as independent school district projects: PROVIDED, That under no circumstances should this

priority receive less than sixty percent of funds available for priorities four and five.

- (6) Priority six: New construction of interdistrict cooperative facilities which are not included in priority three, four, or seven. The project with the earliest date of project approval pursuant to WAC 180-25-040 shall be ranked the highest. In the event two or more projects possess the same project approval date, the project with the earliest date of application received in the office of superintendent of public instruction shall be ranked the highest.
- (7) Priority seven: Interdistrict transportation cooperatives. Projects within this priority shall be ranked as follows: The project with the earliest date of project approval pursuant to WAC 180-25-040 shall be ranked the highest. In the event two or more projects possess the same project approval date, the project with the earliest date of application received in the office of superintendent of public instruction shall be ranked the highest.

NEW SECTION

WAC 180-27-425 REMOVAL FROM IN-STRUCTIONAL SPACE INVENTORY—RE-PLACEMENT. A school facility shall be removed from the superintendent of public instruction's active instructional space inventory after it has been replaced with a school facility on a square footage basis through one of the following actions:

- (1) The replacement school facility is wholly financed with local district funds; or
- (2) The replacement school facility is constructed with state funding assistance authorized under the authority of chapter 180-33 WAC.

WSR 90-01-078 EMERGENCY RULES STATE BOARD OF EDUCATION

[Filed December 19, 1989, 2:20 p.m.]

Date of Adoption: December 1, 1989.

Purpose: To repeal school construction moratorium.

Citation of Existing Rules Affected by this Order: Repealing WAC 180-25-300 and 180-29-300.

Statutory Authority for Adoption: RCW 28A.47.803, 28A.47.060 and 28A.47.802.

Other Authority: RCW 28A.47.105.

Pursuant to RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: These rules prevent operation of amendatory and new sections of chapters 180-25 and 180-27 WAC adopted by the State Board of Education on December 1, 1989. Operation of the rules at this time is necessary to allow districts to prepare school construction projects to secure funding in July 1990.

Effective Date of Rule: Immediately.

December 8, 1989 Monica Schmidt Secretary

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 180-25-300 PROJECT APPROVAL MORATORIUM.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 180-29-300 PROJECT APPROVAL MORATORIUM.

WSR 90-01-079 PROPOSED RULES DEPARTMENT OF ECOLOGY

[Order 89-45-Filed December 19, 1989, 2:24 p.m.]

Original Notice.

Title of Rule: Adopting chapter 173-322 WAC, Remedial action grants.

Purpose: To establish eligibility criteria and funding requirements for a program of grants to local governments for remedial action pursuant to RCW 70.105D.7 [70.105D.070] (3)(a) and (7).

Statutory Authority for Adoption: Chapter 70.105D RCW, the Model Toxics Control Act.

Statute Being Implemented: Chapter 70.105D RCW, the Model Toxics Control Act.

Summary: Chapter 70.105D RCW, the Model Toxics Control Act, mandates that the highest priority use of moneys collected for the local toxics control account will be as grants to local governments for remedial action, and requires the Department of Ecology to adopt rules governing the issuing of such grants.

Reasons Supporting Proposal: To establish program requirements for issuing remedial action grants.

Name of Agency Personnel Responsible for Drafting: Julia Woods, Lacey, Washington, (206) 438–7256; Implementation and Enforcement: Dan Swenson, Lacey, Washington, (206) 438–7474.

Name of Proponent: Department of Ecology, governmental.

Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: To establish requirements for a program of grants to local governments for remedial action. The department shall provide grants to local governments for remedial actions at certain hazardous waste sites, usually involving a local government as a potentially liable party. Eligible actions include site hazard assessments, remedial investigations, feasibility studies, pilot studies,

remedial designs, interim actions, and cleanup actions at hazardous waste sites. These grants will provide relief to local governments and ratepayers from the full burden of the costs of investigating and eliminating the threats to human health and the environment caused by these sites.

Proposal does not change existing rules.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

The Washington Regulatory Fairness Act, chapter 19.85 RCW, requires that proposed rules which have an economic impact on more than twenty percent of all industries or more than ten percent of any one industry shall be reviewed to determine if the cost of coming into compliance with the proposed agency rules will create a disproportionately higher economic burden on small business in comparison with the cost of compliance for large business. The act defines a small business as an employer with fifty or fewer employees. With respect to the proposed adoption of chapter 173-322 WAC, the findings of the agency are as follows: The Department of Ecology has determined that because the proposed rules create a grant program rather than a regulatory program requiring compliance activities by businesses, the rule will not impose an economic burden on business in general or small business in particular. The primary impact of the rule will be to relieve ratepayers and taxpayers of a portion of the financial burdens of cleaning up some local governments' hazardous waste sites; and therefore, the Department of Ecology has determined that a small business economic impact statement is not required for the proposed rule.

Hearing Location: Spokane County Health Center Auditorium, West 1101 College Avenue, Spokane, WA, on January 23, 1990, at 7:00 p.m.; and at the Environmental Protection Agency Offices, Park Place Building, Room 12A, 1200 Sixth Avenue, Seattle, WA, on January 25, 1990, at 7:00 p.m.

Submit Written Comments to: Julia Woods, Waste Management Grants Section, Department of Ecology, Mailstop PV-11, Olympia, Washington 98504-8711, by February 15, 1990.

Date of Intended Adoption: April 3, 1990.

Pred A. Olson Deputy Director

Chapter 173-322 WAC REMEDIAL ACTION GRANTS

WAC	
173-322-010	Purpose and authority.
173-322-020	Definitions.
173-322-030	Relation to other legislation and administrative
	rules.
173-322-040	General.
173-322-050	Applicant eligibility.
173-322-060	Applicant screening and evaluation process.
173-322-070	Eligible costs.
173-322-080	State assistance share.
173-322-090	Grants to economically disadvantaged local governments.
173-322-100	Grants for site hazard assessments.
173-322-100	Fiscal controls.
173-322-120	Grant administration.

NEW SECTION

WAC 173-322-010 PURPOSE AND AUTHORITY. This chapter recognizes that the state contains hundreds of hazardous waste sites which threaten the state's water resources, including those used for public drinking water; that many of our municipal landfills are current or potential hazardous waste sites and present serious threats to human health and the environment; and that the costs of eliminating these threats in many cases are beyond the financial means of local governments and ratepayers.

The purpose of this chapter is to establish requirements for a program of grants to local governments for remedial action pursuant to RCW 70.105D.070 (3)(a) and (7). The department shall provide grants to local governments for remedial actions including site hazard assessments, remedial investigations, feasibility studies, pilot studies, remedial designs, interim actions, and cleanup actions at hazardous waste sites.

NEW SECTION

- WAC 173-322-020 DEFINITIONS. (1) Unless otherwise defined in this chapter, words and phrases used in this chapter shall be defined according to cleanup processes regulations adopted under chapter 70.105D RCW.
- (2) "Act" means the "Model Toxics Control Act," chapter 70.105D RCW
- (3) "Agreed order" means an order issued under cleanup processes regulations adopted under chapter 70.105D RCW.
- (4) "Cleanup action" means any remedial action taken at a site to eliminate, render less toxic, stabilize, contain, immobilize, isolate, treat, destroy, or remove a hazardous substance that complies with cleanup standards, utilizes permanent solutions to the maximum extent possible, and includes adequate monitoring to ensure the effectiveness of the cleanup action.
- (5) "Consent order" means an order issued under chapter 90.48 or 70.105B RCW.
- (6) "Decree" means consent decree under cleanup processes regulations adopted under chapter 70.105D RCW. "Consent decree" is synonymous with decree.
 - (7) "Department" means the department of ecology.
- (8) "Enforcement order" means an order issued under cleanup processes regulations adopted under chapter 70.105D RCW.
- (9) "Grant agreement" means a binding agreement between the local government and the department that authorizes the transfer of funds to the local government to reimburse it for a portion of expenditures in support of a specified scope of services.
- (10) "Hazard ranking" means the ranking for hazardous waste sites to be used by the department pursuant to chapter 70.105D RCW.
- (11) "Hazardous waste site" means any facility where there has been confirmation of a release or threatened release of a hazardous substance that requires remedial action.
- (12) "Independent remedial actions" means remedial actions conducted without department oversight or approval and not under an order or decree.
- (13) "Interim action" means a discrete cleanup action performed under cleanup processes regulations adopted under chapter 70.105D RCW that partially addresses the cleanup of a site.
- (14) "Local government" means any political subdivision, regional governmental unit, district, municipal or public corporation, including cities, towns, and counties. The term encompasses but does not refer specifically to the departments within a city, town, or county.
- (15) "Minimum functional standards" means the requirements of chapter 173-304 WAC, the minimum functional standards for solid waste handling.
- (16) "National Priority List (NPL)" means a list of hazardous waste sites at which the United States Environmental Protection Agency intends to proceed with enforcement or cleanup action.
- (17) "Oversight costs" are remedial action costs of the department or the United States Environmental Protection Agency reasonably attributable to the administration of an order or decree for remedial action at a hazardous waste site.
- (18) "Pilot study" means an experiment in remedial action method, with the purpose of testing the suitability of a particular cleanup technology or process for remedial action at a particular site.
- (19) "Potentially liable person (PLP)" means any person whom the department finds, based on credible evidence, to be liable under RCW 70.105D.040.

- (20) "Remedial action" means any action or expenditure to identify, eliminate, or minimize any threat or potential threat posed by hazardous substances to human health or the environment including any investigative and monitoring activities with respect to any release or threatened release of a hazardous substance and any health assessments or health effects studies conducted in order to determine the risk or potential risk to human health.
- (21) "Remedial design (RD)" means an engineering study during which technical plans and specifications are developed to guide subsequent cleanup action at a hazardous waste site.
- (22) "Remedial investigation/feasibility study (RI/FS)" means a study intended to collect, develop, and evaluate sufficient information regarding a site to enable the selection of a cleanup action.

NEW SECTION

WAC 173-322-030 RELATION TO OTHER LEGISLATION AND ADMINISTRATIVE RULES. (1) Nothing in this chapter shall influence, affect, or modify department programs, regulations, or enforcement of applicable laws relating to hazardous waste investigation and cleanup.

- (2) Nothing in this chapter shall modify the legal settlements and enforcement orders the department has secured with potentially liable parties for remedial action. The execution of remedies pursuant to court order or decree shall in no way be contingent upon the availability of grant funding.
- (3) All grants shall be subject to existing accounting and auditing requirements of state laws and regulations applicable to the issuance of grant funds.

NEW SECTION

WAC 173-322-040 GENERAL. (1) Appropriation and allocation of funds. Grants will be awarded within the limits of available funds. The obligation of the department to make grant payments is contingent upon the availability of funds through legislative appropriation and allotment, and such other conditions not reasonably foreseeable by the department rendering performance impossible. When the grant crosses over bienniums, the obligation of the department is contingent upon the allotment of funds during the next biennium.

- (2) Remedial action grants shall be used to supplement local government funding and funding from other sources to carry out required remedial action. Funding from sources other than local government cannot be used to match remedial action grant funds.
- (3) The department may fund all or portions of eligible grant applications.

NEW SECTION

WAC 173-322-050 APPLICANT ELIGIBILITY. (1) All applicants must be local governments as defined in this chapter.

- (2) Any local government is eligible to apply for a remedial action grant, except that only a local health district may apply for a site hazard assessment grant.
- (3) Eligibility for all remedial action grants except site hazard assessment grants is limited to applicants that meet the following standards.
- (a) The applicant must be a local government which is a potentially liable person (PLP) at a hazardous waste site. The local government may be the sole PLP, or there may be other PLPs at the site.
- (b) The local government must meet one of the following standards:
 (i) The department must have required the local government to perform some phase of remedial action. That requirement may take any of the following forms, hereinafter referred to as "order or decree": A consent decree under chapter 70.105D or 70.105B RCW requiring remedial action at the site, or an enforcement order or an agreed order under chapter 70.105D or 70.105B RCW requiring remedial action at the site, or an enforcement order or a consent order under chapter 90.48 RCW requiring remedial action at the site prior to March 1, 1989, or an amendment to such an order subsequent to March 1, 1989.
- (ii) The local government which is also a potentially responsible party under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA) as amended by the Superfund Amendments and Reauthorization Act of 1986 (SARA) must have entered into a decree requiring remedial action at a hazardous waste site with the United States Environmental Protection Agency, provided that such agreement has been signed or acknowledged by

the department in writing as a sufficient basis for remedial action grant funding.

(iii) The local government must have signed an agreement with the department requiring another PLP to perform remedial action at a landfill site and that agreement must take one of the forms specified in (b)(i) of this subsection. The local government must also have entered into an agreement with that PLP to reimburse the PLP for a portion of incurred remedial action costs with the sole purpose of providing relief to ratepayers and/or taxpayers from some remedial action costs.

NEW SECTION

WAC 173-322-060 APPLICANT SCREENING AND EVAL-UATION PROCESS. (1) Remedial action grant applications, except those for site hazard assessments, will be evaluated by the department on a first-come, first-served basis. If pending grant applications exceed available funding, then the department may prioritize applications in accordance with subsection (4) of this section.

- (2) Remedial action grant applications must:
- (a) Include a commitment by the local government for local funds to match grant funds according to the requirements of WAC 173-322-080
- (b) Include a scope of work which accomplishes the requirements of an order or decree with the department except for the site hazard assessments, which must include a scope of work which conforms to the requirements of cleanup processes regulations adopted under chapter 70.105D RCW.
- (3) Routine cleanup actions must meet the criteria under cleanup processes regulations adopted under chapter 70.105D RCW.
- (4) When pending grant applications, except those for site hazard assessments, exceed the amount of funds available, the department may prioritize applications based upon the following criteria:
- (a) Relative hazard ranking as determined by the department in accordance with cleanup processes regulations adopted under chapter 70.105D RCW or the United States Environmental Protection Agency's National Priority List ranking. Higher ranking sites will receive a higher funding priority, except that routine cleanup actions may have lower ranking.
- (b) Continuity of commitment. Higher priority will be given to projects which continue cleanup work at a hazardous waste site where the department has previously provided grant funding assistance.
 - (c) Evidence that the grant will expedite cleanup.
- (d) Readiness of the applicant to proceed promptly to accomplish the scope of work.
- (5) Until June 30, 1991, those local governments that applied for remedial action grants during the 1988 application period, and that meet the eligibility requirements of WAC 173-322-050(3), will be given funding priority for all remedial action grants, except site hazard assessment grants.
- (6) Site hazard assessment grants will be evaluated and prioritized for funding based upon the following criteria:
 - (a) Potential public health or environmental threat from the site.
- (b) Ownership of the site. Publicly-owned sites will receive priority over privately-owned sites.
 - (c) Evidence that the assessment will expedite cleanup.

NEW SECTION

WAC 173-322-070 ELIGIBLE COSTS. (1) Costs for remedial action at landfills.

- (a) Eligible costs include reasonable costs incurred in performing:
- (i) Site hazard assessments.
- (ii) Remedial investigations.
- (iii) Feasibility studies.
- (iv) Remedial designs.
- (v) Pilot studies.
- (vi) Cleanup actions required by order or decree with the department, including costs of activities to close a landfill in excess of the requirements of chapter 173-304 WAC.
 - (vii) Capital costs of long-term monitoring systems.
- (viii) Operating and maintenance costs incurred during the first year of accomplishing the cleanup action after facilities and equipment have been installed or constructed.
- (ix) At a landfill which has been closed according to the requirements of chapter 173-301 WAC, costs to upgrade the landfill closure

that are required by the department as part of cleanup action at the site

- (x) For economically disadvantaged local governments, costs to close a landfill that are required for cleanup by order or decree with the department, including costs of the closure requirements of chapter 173–304 WAC.
 - (b) Ineligible costs.
- (i) Costs to close a landfill according to the requirements of chapter 173-304 WAC, except for landfills of economically disadvantaged local governments.
 - (ii) Retroactive costs except as limited by WAC 173-322-110.
 - (iii) Legal fees and penalties.
 - (iv) Oversight costs.
- (v) Operating and maintenance costs after the first year of accomplishing the remedial action.
 - (vi) Operating and maintenance costs of long-term monitoring.
 - (vii) Costs incurred in conducting independent remedial actions.
 - (2) Costs for remedial actions at sites other than landfills.
- (a) Eligible costs will include, in addition to costs listed in subsection (1)(a) of this section, costs incurred to perform remedial action required by order or decree with the department.
- (b) Ineligible costs will include, in addition to costs listed in subsection (1)(b) of this section, costs incurred to meet departmental requirements for source control and prevention.
- (3) Costs for site hazard assessments. Eligible costs include activities performed pursuant to cleanup processes regulations adopted under chapter 70.105D RCW.
- (4) Costs must be eligible under this section and must be approved by the department in order to be eligible for reimbursement.

NEW SECTION

WAC 173-322-080 STATE ASSISTANCE SHARE. (1) Costs eligible under WAC 173-322-070 (1)(a) and (2)(a) will be considered for grant funding at up to fifty percent.

- (2) Costs eligible under WAC 173-322-070 (1)(a) and (2)(a) and that are for routine cleanup actions, consistent with cleanup processes regulations adopted under chapter 70.105D RCW, will be considered for grant funding of up to one hundred percent for the first fifty thousand dollars of eligible costs. No grant for routine cleanup action shall exceed fifty thousand dollars.
- (3) Costs for site hazard assessments which are eligible under WAC 173-322-070(3) will be considered for grant funding of up to one hundred percent for the initial twenty-five thousand dollars of costs, and up to fifty percent for the next fifty thousand dollars of eligible costs. No grant for site hazard assessment shall exceed fifty thousand dollars.
- (4) In addition to grant funding under this section, economically disadvantaged local governments may apply for up to twenty-five percent supplemental funding, not to exceed seventy-five percent of eligible costs. This additional funding will be contingent on satisfactory demonstration of extraordinary financial need.
- (5) If a decree or order requires a PLP other than a local government to conduct remedial action, the financial contribution of that PLP will be deducted from the amount eligible for grant funding.

NEW SECTION

WAC 173-322-090 GRANTS TO ECONOMICALLY DISAD-VANTAGED LOCAL GOVERNMENTS. (1) This section authorizes a program of grants to assist economically disadvantaged local governments to pay for remedial action required by the department at landfill sites.

- (2) A local government is considered economically disadvantaged if it is a county, or a local government within a county, which meets both of the following criteria:
- (a) Per capita income, as measured by the latest official estimate of the Washington state office of financial management, is in the lower twenty counties in the state; and
 - (b) It is economically distressed as defined by chapter 43.165 RCW.
- (3) The department will include a list of counties which are economically disadvantaged as defined herein in the guidelines for remedial action to be published on a biennial basis.
- (4) The department will consider applications from economically disadvantaged local governments which meet the applicant eligibility requirements of WAC 173-322-050(3).

NEW SECTION

WAC 173-322-100 GRANTS FOR SITE HAZARD ASSESS-MENTS. (1) This section authorizes a program of grants to local health districts to perform site hazard assessments at suspected hazardous waste sites. The purposes of this program are to supplement department efforts to rank hazardous waste sites, to encourage local government initiative in the cleanup of hazardous waste sites, and to expedite cleanup actions.

(2) The grant may assist hazard assessment at any site, but public sites will receive priority.

(3) The scope of work for a site hazard assessment will conform to cleanup processes regulations adopted under chapter 70.105D RCW and prescribed guidelines issued by the department.

(4) The department retains the authority to review and verify the results of a site hazard assessment.

(5) The assessment must be for a site not previously assessed by the department or the United States Environmental Protection Agency.

(6) No local health district may receive more than one site hazard assessment grant per biennium.

NEW SECTION

WAC 173-322-110 FISCAL CONTROLS. (1) Cap on site funding. After the remedial investigation and feasibility study have been completed and a final remedial action plan has been developed by an eligible applicant, the department and the applicant will establish a final cleanup budget and negotiate a grant agreement. The grant amount in this agreement will be the final department remedial action grant fund commitment for cleanup at that hazardous waste site. Grant agreements may be amended, but requests to increase the remedial action grant budget at that site will receive a lower priority than other applications.

(2) Retroactive funding. Grant funding of costs already incurred prior to the date of the grant agreement may be allowed to local governments where the order or decree with the department postdates March 1, 1989, under one or more of the following circumstances:

(a) If the grant application period is closed when the order or decree becomes effective;

(b) If the department unreasonably delays the processing of a remedial action grant application;

(c) If there are inadequate funds in the local toxics control account to cover the entire scope of work required by decree or order; and/or

(d) If remedial actions not required by decree or order have proceeded, grants for this work may be made if the department later formally includes such work items in a decree or order.

(3) Reimbursement of grant funds. If the department awards remedial action funds to a local government that pursues a successful settlement action against a PLP who has not settled with the department, then the department shall be reimbursed for a proportional share of the settlement, after the local government's legal fees in pursuing such contribution have been deducted.

NEW SECTION

WAC 173-322-120 GRANT ADMINISTRATION. (1) Local governments will be periodically informed of the availability of remedial action grant funding.

(2) A grant application package will be sent to all parties expressing interest in remedial action grants and to all local governments that have been required by decree or order to perform remedial actions. Grant application packages will include grant guidelines and application forms.

(3) Application must be made within sixty days after the date that a decree or order becomes effective, or within sixty days of the effective date of this rule for local governments which meet the requirements of WAC 173-322-050, but which have not submitted an application for remedial action grant funding.

(4) The department will prepare a guidance manual on a biennial basis to assist grant applicants and to facilitate compliance with this regulation.

WSR 90-01-080 EMERGENCY RULES HIGHLINE COMMUNITY COLLEGE

[Filed December 19, 1989, 2:30 p.m.]

Date of Adoption: December 7, 1989.

Purpose: To define violations of legend drug use, suspension procedures, appeal and hearing process.

Statutory Authority for Adoption: RCW 28B.50.140.

Other Authority: Chapter 69.41 RCW.

Pursuant to RCW 34.05.350 the agency for good cause finds that state requires immediate adoption of a rule.

Reasons for this Finding: SHB 1558 which amends chapter 69.41 RCW requires rules be promulgated by institutes of higher education by January 1, 1990.

Effective Date of Rule: January 1, 1990.

December 7, 1989 Edward M. Command Vice-President

WAC Chapter 132I-400 Loss of Eligibility of Student Athletic Participation

NEW SECTION

WAC 132I-400-010 PURPOSE. These rules are in compliance with Substitute House Bill No. 1558 as passed by the House and Senate on April 10, 1989.

NEW SECTION

WAC 132I-400-020 GROUNDS FOR INELIGIBILITY. Any student found by the college to have violated chapter 69.41 RCW by virtue of a criminal conviction or otherwise insofar as it prohibits the possession, use or sale of legend drugs, including anabolic steroids, will be disqualified from participation in any school-sponsored athletic event or activity.

NEW SECTION

WAC 132I-400-030 SUSPENSION PROCE-DURE—RIGHT TO INFORMAL HEARING. Any student notified of a claimed violation of WAC 132I-400-020 shall have the right to a brief adjudicative hearing if a written request for such a hearing is received by the dean of students within three days of receipt of a declaration of further athletic ineligibility. If no written request is received within three days after receipt of the declaration of athletic ineligibility, the student will be deemed to have waived any right to a brief adjudicative hearing and will be declared ineligible from further participation in school-sponsored athletic events for the remainder of the school year.

NEW SECTION

WAC 132I-400-040 HEARING. If a timely written request for a hearing is made, the dean of students shall designate a hearing officer who shall be a college officer who is not involved with the athletic program to conduct the brief adjudicative hearing. The hearing officer shall promptly conduct the hearing and permit affected parties to explain both the college's view of the

matter and the student's view of the matter. The brief adjudicative proceeding shall be conducted in accordance with the Administrative Procedure Act, RCW 34-.05.482-.494.

NEW SECTION

WAC 132I-400-050 DECISION. The college official who acts as hearing officer shall issue a written decision which shall include a brief statement of the reasons for the decision and a notice that judicial review may be available. All documents presented, considered or prepared by the hearing officer shall be maintained as the official record of the brief administrative proceeding. A decision must be promptly rendered after the conclusion of the brief adjudicative hearing and in no event later than 20 days after the request for hearing is received by the dean of students.

WSR 90-01-081 NOTICE OF PUBLIC MEETINGS **HUMAN RIGHTS COMMISSION**

[Memorandum—December 18, 1989]

The Washington State Human Rights Commission has scheduled its meetings for 1990 as follows. A work session for the commissioners and required staff will be held the evening prior to each meeting, except for the January meeting. Meeting locations will be announced prior to each meeting.

January 18, 19 and 20

February 22

March 22

April 26

May 24

June 28

July 26

August 23 September 27

October 25

November 15

December 20

The January meeting will be held in Union and the February meeting will be held in Olympia.

WSR 90-01-082 NOTICE OF PUBLIC MEETINGS **HUMAN RIGHTS COMMISSION**

[Memorandum—December 18, 1989]

The Washington State Human Rights Commission will hold its next regular commission meeting/retreat in Union on January 18, 19 and 20, 1990. The meeting will be held at the Alderbrook Inn Resort and Conference Center, Hamma Hamma Room, East 7101 Highway 106, Union. The regular business meeting will be held on January 18, beginning at 7:00 p.m. The planning and work sessions will be held on January 19, beginning at 9:30 a.m. and on January 20, beginning at 9:00 a.m. The commissioners will be setting goals for the 1990 calendar

WSR 90-01-083 NOTICE OF PUBLIC MEETINGS CLARK COLLEGE

[Memorandum—December 14, 1989]

At its regular meeting held December 13, 1989, the Clark College board of trustees adopted the 1990 regular meeting schedule shown below:

January 24

February 28

March 28

April 18

May 23

June 27

July 25

August 22

September 26

October 24

November 14

December 12

WSR 90-01-084 NOTICE OF PUBLIC MEETINGS CENTRAL WASHINGTON UNIVERSITY

[Memorandum—December 12, 1989]

The Central Washington University board of trustees meeting scheduled for 11 a.m., February 9, 1990, will be held in the Board of Trustees Room, Edmonds Community College, 20000 68th Avenue West, Lynnwood.

WSR 90-01-085 NOTICE OF PUBLIC MEETINGS TACOMA COMMUNITY COLLEGE

[Memorandum—December 14, 1989]

The dates for the meetings of the board of trustees of Tacoma Community College District 22 for 1990 are as follows:

January 11

February 8

March 8

April 12

May 10

June 13

July 12

August 9

September 13

October 11

November 8 December 13

WSR 90-01-086 RULES COORDINATOR HEALTH CARE AUTHORITY

[Filed December 19, 1989, 2:36 p.m.]

As administrator of the Health Care Authority and chair of the State Employees Benefits Board, I am hereby appointing Bob Moore of the Health Care Authority as the rules coordinator on behalf of the authority and board.

Margaret T. Stanley Administrator

WSR 90-01-087 PROPOSED RULES WASHINGTON STATE PATROL

(Commission on Equipment)

[Filed December 19, 1989, 3:34 p.m.]

Original Notice.

Title of Rule: Chapter 204-88 WAC, Emergency vehicle lighting.

Purpose: Establishes the vehicles permitted use of emergency lighting and specifies the type and color of lights to be used.

Statutory Authority for Adoption: RCW 46.37.005, 46.37.190, 46.37.194 and 46.37.280.

Statute Being Implemented: RCW 46.37.194.

Summary: This rule identifies the emergency vehicles authorized to use emergency lights and specifies the color of lights for each type of authorized vehicle.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Lt. L. E. Klewin, 6604 Martin Way, Olympia, 438-7219.

Name of Proponent: Washington State Patrol, governmental.

Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: Refer to Summary and Reasons.

Proposal Changes the Following Existing Rules: Clarifies definition of emergency tow truck.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

Hearing Location: Washington State Patrol, Supply Conference Room, 4242 Martin Way, Olympia, 98504, on March 1, 1990, at 9 a.m.

Submit Written Comments to: Lt. L. E. Klewin, ESR Section, GA Building, AX-12, Olympia, by March 1, 1990.

Date of Intended Adoption: March 2, 1990.

December 19, 1989 George B. Tellevik Chief

AMENDATORY SECTION (Amending Order 88-07-ESR, filed 7/18/88)

WAC 204-88-030 DEFINITIONS. (1) "Authorized emergency vehicle" shall mean any vehicle of any fire department, police department, sheriff's office, coroner, prosecuting attorney, Washington state

patrol, ambulance service public or private licensed by the department of social and health services or operated by any of the agencies named above, or any other vehicle authorized in writing by the state patrol.

(2) "Law enforcement vehicle" shall mean a publicly owned or leased vehicle operated by a law enforcement agency and which is used for the law enforcement functions of the agency.

(3) "Law enforcement agency" shall mean any municipal, port district or tribal police department, county police department or sheriff's office, the Washington state patrol, or any other state or federal agency which is publicly authorized to carry out law enforcement duties which include the authority to stop and detain motor vehicles on the public highways of this state.

(4) "Flashing" lamps shall mean those lamps which emit a beam of light which is broken intermittently and regularly by use of an electronic or electric switch, or a lamp which emits a steady beam of light which is intermittently and regularly directed away from any viewer by means of a rotating or oscillating reflector or lamp assembly. Flashing lamps are not to be confused with modulated lamps which intermittently and regularly decrease the power to the lamp filament so as to dim the light output but do not cause a total break in the light beam.

(5) "Emergency tow truck" shall mean a motor vehicle ((specially)) that has been issued a "tow truck permit" by the department of licensing and is especially designed and constructed principally for the purpose of recovery and/or towing of disabled, abandoned or damaged vehicles and not otherwise generally used in transporting goods or persons.

WSR 90-01-088 PROPOSED RULES WASHINGTON STATE PATROL

(Commission on Equipment)

[Filed December 19, 1989, 3:36 p.m.]

Original Notice.

Title of Rule: Chapter 204-44 WAC, Standards for load fastening devices.

Purpose: To specify the types and breaking strength of safety chains and other devices used to secure and protect loads on motor vehicles.

Statutory Authority for Adoption: RCW 46.37.005.

Statute Being Implemented: RCW 46.37.005 and 46.37.490.

Summary: Rule identifies the types and breaking strength of safety chains and other devices used to secure and protect loads on motor vehicles.

Reasons Supporting Proposal: New technology permits additional materials to be used for this purpose. The new materials have been approved under federal standards.

Name of Agency Personnel Responsible for Drafting and Implementation: Lt. L. E. Klewin, 6604 Martin Way, Olympia, 438-7219; and Enforcement: Traffic Law Enforcement Personnel.

Name of Proponent: Washington State Patrol, governmental.

Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: Refer to Summary and Reasons.

Proposal Changes the Following Existing Rules: This change will bring chapter 204-44 WAC into conformance with federal standards.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

Hearing Location: Washington State Patrol, Supply Conference Room, 4242 Martin Way, Olympia, WA 98504, on March 1, 1990, at 9 a.m.

Submit Written Comments to: Lt. L. E. Klewin, ESR Section, General Administration Building, AX-12, Olympia, by March 1, 1990.

Date of Intended Adoption: March 2, 1990.

December 19, 1989 George B. Tellevik Chief

AMENDATORY SECTION (Amending Order 7303, filed 12/19/73)

WAC 204-44-010 PROMULGATION. Under authority of RCW 46.37.005 and 46.37.490, the state ((commission on equipment)) patrol hereby adopts the following rules pertaining to the use of safety chains or other devices on vehicles to secure and protect the loads thereon.

AMENDATORY SECTION (Amending Order 7303, filed 12/19/73)

WAC 204-44-030 APPROVAL OF LOAD FASTENING DE-VICES. The ((following)) types of binder devices listed below are hereby approved by the state ((commission on equipment)) patrol, provided that they ((meet)) have a minimum breaking strength of at least 15,000 pounds((:)), or meet or exceed federal standards contained in CFR 393.102:

- 1. ((3/8-inch high test)) Steel chain.
- 2. ((1/2-inch diameter)) Steel cable.
- Steel strapping ((not less than two inches by fifty one-thousands (.050) inches in dimension)).

4. Fiber webbing.

((Any other load binder device, prior to use on public highways, shall be submitted to the state commission on equipment for approval.))

WSR 90-01-089 NOTICE OF PUBLIC MEETINGS BUILDING CODE COUNCIL

[Memorandum—December 19, 1989]

1990 Meeting Schedule

February 9	9:00 a.m.	Sea-Tac
March 16	9:00 a.m.	Sea-Tac
April 20	9:00 a.m.	Sea-Tac
May 11	9:00 a.m.	Spokane
June 8	9:00 a.m.	Sea-Tac
July 13	9:00 a.m.	Sea-Tac
August 17	9:00 a.m	Sea-Tac
September 21	9:00 a.m.	Spokane
October 12	9:00 a.m.	Sea-Tac
November 9	9:00 a.m.	Sea-Tac

Council committee meetings may be held as part of the regular council meeting.

WSR 89-01-090 EMERGENCY RULES

DEPARTMENT OF COMMUNITY DEVELOPMENT (Office of Archaeological and Historical Preservation)

[Filed December 19, 1989, 4:41 p.m.]

Date of Adoption: December 19, 1989.

Purpose: To amend existing WACs pertaining to the application and granting of archaeological excavation and removal permits to apply to privately owned land.

Citation of Existing Rules Affected by this Order: Amending WAC 25-48-020, 25-48-030 and 25-48-050.

Statutory Authority for Adoption: RCW 27.34.220, 27.44.020 and section 7, chapter 44, Laws of 1989 (amending RCW 27.53.060).

Pursuant to RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: Reports of uncontrolled excavation of archaeological sites on private lands have raised concern among enforcement personnel on successful prosecution in the absence of permitting WACs. The emergency rules seek to eliminate that loophole in enforcement until the permanent rules take effect. Permanent rules have been filed with the code reviser and are effective January 19, 1990.

Effective Date of Rule: Immediately.

December 19, 1989 Chuck Clarke Director

AMENDATORY SECTION (Amending Order 88-06, filed 11/4/88)

WAC 25-48-020 DEFINITIONS. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

- (1) "Archaeology" means systematic, scientific study of man's past through his material remains.
- (2) "Historic" means peoples and cultures who are known through written documents in their own or other languages. As applied to underwater archaeological resources, the term historic shall include only those properties which are listed in or eligible for listing in the Washington State Register of Historic Places (RCW 27.34.220) or the National Register of Historic Places as defined in the National Historic Preservation Act of 1966 (Title 1, Sec. 101, Public Law 889-665; 80 Stat. 915; 16 U.S.C. Sec. 470) as now or hereafter amended.
- (3) "Prehistoric" means peoples and cultures who are unknown through contemporaneous written documents in any language.
- (4) "Professional archaeologist" means a person has designed and executed an archaeological study as evidenced by a thesis or dissertation, and has been awarded an advanced degree such as an M.A., M.S., or Ph.D. from an accredited institution of higher education in archaeology, anthropology, or history or other germane discipline with a specialization in archaeology, has a minimum of one year of field experience with at least twenty-four weeks of field work under the supervision of a professional archaeologist including no more than twelve weeks of survey or reconnaissance work, and at least eight weeks of supervised laboratory experience. Twenty weeks of field work in a supervisory capacity

must be documentable with a report produced by the individual on the field work.

- (5) "Public lands" means lands owned by or under the possession, custody, or control of the state of Washington or any county, city, or political subdivision of the state; including the state's submerged lands under the Submerged Lands Act, 43 U.S.C. Sec. 1301 et seq.
- (6) "Site restoration" means to repair the archaeological property to its preexcavation vegetational and topographic state.
- (7) "Amateur society" means any organization composed primarily of persons who are not professional archaeologists, whose primary interest is in the archaeological resources of the state, and which has been certified in writing by two professional archaeologists.
- (8) "Archaeological object" means an object that comprises the physical evidence of an indigenous and subsequent culture including material remains of past human life including monuments, symbols, tools, facilities, and technological by-products.

(9) "Archaeological site" means a geographic locality in Washington, including but not limited to, submerged and submersible lands and the bed of the sea within the state's jurisdiction, that contains archaeological objects.

- (10) "Archaeological resource" means any material remains of human life or activities which are of archaeological interest. This shall include all sites, objects, structures, artifacts, implements, and locations of prehistorical or archaeological interest, whether previously recorded or still unrecognized, including, but not limited to, those pertaining to prehistoric and historic American Indian or aboriginal burials, campsites, dwellings, and their habitation sites, including rock shelters and caves, their artifacts and implements of culture such as projectile points, arrowheads, skeletal remains, grave goods, basketry, pestles, mauls, and grinding stones, knives, scrapers, rock carvings and paintings, and other implements and artifacts of any material.
- (((9))) (11) "Historic archaeological resources" means those properties which are listed in or eligible for listing in the Washington State Register of Historic Places (RCW 27.34.220) or the National Register of Historic Places as defined in the National Historic Preservation Act of 1966 (Title 1, Sec. 101, Public Law 89–665; 80 Stat. 915; 16 U.S.C. Sec. 470) as now or hereafter amended.
- (((10))) (12) "Of archaeological interest" means capable of providing scientific or humanistic understandings of past human behavior, cultural adaptation, and related topics through the application of scientific or scholarly techniques such as controlled observation, contextual measurement, controlled collection, analysis, interpretation, and explanation.
- (((11))) (13) "Director" means the director of the department of community development or his designee.
- (((12))) (14) "Office" means the Washington state office of archaeology and historic preservation, department of community development.
- (((13))) (15) "Department" means the department of community development.
- (((14))) (16) "Suspension" means the abeyance of a permit under this chapter for a specified period of time.

- (((15))) (17) "Revocation" means the termination of a permit under this chapter.
 - (((16))) (18) "Mitigation" means:
- (a) Avoiding the impact altogether by not taking a certain action or parts of an action;
- (b) Minimizing impacts by limiting the degree or magnitude of the action and its implementation, by using appropriate technology, or by taking affirmative steps to avoid or reduce impacts;
- (c) Rectifying the impact by repairing, rehabilitating, or restoring the affected environment;
- (d) Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action:
- (e) Compensating for the impact by replacing, enhancing, or providing substitute resources or environments; and/or
- (f) Monitoring the impact and taking appropriate corrective measures.
- (((17))) (19) "Abandonment" means that the resource has been deserted and the owner has relinquished ownership rights with no retention, as demonstrated by a writing, oral communication, action, or inaction.

AMENDATORY SECTION (Amending Order 88–06, filed 11/4/88)

WAC 25-48-030 SCOPE AND COVERAGE OF THIS CHAPTER. (1) This chapter is applicable to any person, corporation, partnership, trust, institution, association, or any other private entity, or any officer, employee, agent, department, or instrumentality of the state, county, or city, or a political subdivision of the state.

- (2) This chapter is applicable to the alteration, digging, excavating, or removal of archaeological objects or sites or historic archaeological resources which have been abandoned thirty years or more ((from public lands, the alteration, digging, excavating or removal of archaeological or historic archaeological resources from private lands where the landowner has requested the office to issue archaeological excavation and removal permits)), and the removal of glyptic or painted records ((of prehistoric peoples)) or archaeological resources from native Indian cairns or graves.
- (3) This chapter does not apply to the removal of artifacts found exposed on the surface of the ground which are not historic archaeological resources or sites except when there will be removal of glyptic or painted records ((of prehistoric peoples)), or archaeological resources from native Indian cairns or graves.
- (4) This chapter is applicable as follows to the removal of sample artifacts as provided under WAC 25-46-060 (1)(d):

WAC 25-48-010.

WAC 25-48-020.

WAC 25-48-030.

WAC 25-48-050.

WAC 25-48-060 (1)(a), except for the requirements of a completed inventory form, (1)(d), (f), (g), (h), (m), (n), and (5).

WAC 25-48-090.

WAC 25-48-100.

WAC 25-48-105. WAC 25-48-120.

AMENDATORY SECTION (Amending Order 88-06, filed 11/4/88)

WAC 25-48-050 APPLICATION REQUIRE-MENTS AND FORMS. (1) Any person or entity covered by this chapter and described in WAC 25-48-030 proposing to dig, alter, excavate, and/or remove archaeological objects and sites or historic archaeological resources ((from public lands, or private lands where the landowner has transferred permit authority to the department)), or proposing to remove glyptic or painted records of ((prehistoric)) tribes or peoples, or archaeological resources from native Indian cairns or graves shall apply to the office for a permit for the proposed work, and shall not begin the proposed work until a permit has been issued.

(2) Each application for a permit from the department shall be submitted on the archaeological excavation and removal permit application form approved by the director. These application forms may be obtained from the Office of Archaeology and Historic Preservation, Department of Community Development, 111 West 21st Avenue KL-11, Olympia, WA 98504; telephone (206) 753-5010.

WSR 90-01-091 PERMANENT RULES

DEPARTMENT OF COMMUNITY DEVELOPMENT (Office of Archaeological and Historic Preservation)

[Filed December 19, 1989, 4:45 p.m.]

Date of Adoption: November 22, 1989.

Purpose: To amend the existing archaeological excavation and removal permit rules to apply to archaeological sites on privately owned land.

Citation of Existing Rules Affected by this Order: Amending WAC 25-48-020, 25-48-030, 25-48-050, 25-48-060, 25-48-070, 25-48-090, 25-48-100, 25-48-105 and 25-48-110.

Statutory Authority for Adoption: RCW 27.34.220 and 27.44.020.

Pursuant to notice filed as WSR 89-17-116 on August 23, 1989.

Changes Other than Editing from Proposed to Adopted Version: Corrected clerical error that made a provision meaningless.

Effective Date of Rule: Thirty-one days after filing.

November 22, 1989 Chuck Clarke Director

AMENDATORY SECTION (Amending Order 88-06, filed 11/4/88)

WAC 25-48-020 DEFINITIONS. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Archaeology" means systematic, scientific study of man's past through his material remains.

- (2) "Historic" means peoples and cultures who are known through written documents in their own or other languages. As applied to underwater archaeological resources, the term historic shall include only those properties which are listed in or eligible for listing in the Washington State Register of Historic Places (RCW 27.34.220) or the National Register of Historic Places as defined in the National Historic Preservation Act of 1966 (Title 1, Sec. 101, Public Law 889-665; 80 Stat. 915; 16 U.S.C. Sec. 470) as now or hereafter amended.
- (3) "Prehistoric" means peoples and cultures who are unknown through contemporaneous written documents in any language.
- (4) "Professional archaeologist" means a person has designed and executed an archaeological study as evidenced by a thesis or dissertation, and has been awarded an advanced degree such as an M.A., M.S., or Ph.D. from an accredited institution of higher education in archaeology, anthropology, or history or other germane discipline with a specialization in archaeology; has a minimum of one year of field experience with at least twenty-four weeks of field work under the supervision of a professional archaeologist including no ((more)) less than twelve weeks of survey or reconnaissance work, and at least eight weeks of supervised laboratory experience. Twenty weeks of field work in a supervisory capacity must be documentable with a report produced by the individual on the field work.
- (5) "Public lands" means lands owned by or under the possession, custody, or control of the state of Washington or any county, city, or political subdivision of the state; including the state's submerged lands under the Submerged Lands Act, 43 U.S.C. Sec. 1301 et seq.
- (6) "Site restoration" means to repair the archaeological property to its preexcavation vegetational and topographic state.
- (7) "Amateur society" means any organization composed primarily of persons who are not professional archaeologists, whose primary interest is in the archaeological resources of the state, and which has been certified in writing by two professional archaeologists.
- (8) "Archaeological object" means an object that comprises the physical evidence of an indigenous and subsequent culture including material remains of past human life including monuments, symbols, tools, facilities, and technological by-products.

(9) "Archaeological site" means a geographic locality in Washington, including but not limited to, submerged and submersible lands and the bed of the sea within the state's jurisdiction, that contains archaeological objects.

(10) "Archaeological resource" means any material remains of human life or activities which are of archaeological interest. This shall include all sites, objects, structures, artifacts, implements, and locations of prehistorical or archaeological interest, whether previously recorded or still unrecognized, including, but not limited to, those pertaining to prehistoric and historic American Indian or aboriginal burials, campsites, dwellings, and their habitation sites, including rock shelters and caves, their artifacts and implements of culture such as projectile points, arrowheads, skeletal remains, grave goods, basketry, pestles, mauls, and grinding stones, knives,

scrapers, rock carvings and paintings, and other implements and artifacts of any material.

- (((9))) (11) "Historic archaeological resources" means those properties which are listed in or eligible for listing in the Washington State Register of Historic Places (RCW 27.34.220) or the National Register of Historic Places as defined in the National Historic Preservation Act of 1966 (Title 1, Sec. 101, Public Law 89-665; 80 Stat. 915; 16 U.S.C. Sec. 470) as now or hereafter amended.
- (((10))) (12) "Of archaeological interest" means capable of providing scientific or humanistic understandings of past human behavior, cultural adaptation, and related topics through the application of scientific or scholarly techniques such as controlled observation, contextual measurement, controlled collection, analysis, interpretation, and explanation.
- (((11))) (13) "Director" means the director of the department of community development or his designee.
- (((12))) (14) "Office" means the Washington state office of archaeology and historic preservation, department of community development.
- $((\frac{13}{13}))$ (15) "Department" means the department of community development.
- (((14))) (16) "Suspension" means the abeyance of a permit under this chapter for a specified period of time.
- $((\frac{(15)}{15}))$ "Revocation" means the termination of a permit under this chapter.

(((16))) (18) "Mitigation" means:

- (a) Avoiding the impact altogether by not taking a certain action or parts of an action;
- (b) Minimizing impacts by limiting the degree or magnitude of the action and its implementation, by using appropriate technology, or by taking affirmative steps to avoid or reduce impacts;
- (c) Rectifying the impact by repairing, rehabilitating, or restoring the affected environment;
- (d) Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action;
- (e) Compensating for the impact by replacing, enhancing, or providing substitute resources or environments; and/or
- (f) Monitoring the impact and taking appropriate corrective measures.
- (((17))) (19) "Abandonment" means that the resource has been deserted and the owner has relinquished ownership rights with no retention, as demonstrated by a writing, oral communication, action, or inaction.

AMENDATORY SECTION (Amending Order 88-06, filed 11/4/88)

- WAC 25-48-030 SCOPE AND COVERAGE OF THIS CHAPTER. (1) This chapter is applicable to any person, corporation, partnership, trust, institution, association, or any other private entity, or any officer, employee, agent, department, or instrumentality of the state, county, or city, or a political subdivision of the state.
- (2) This chapter is applicable to the alteration, digging, excavating, or removal of archaeological objects or sites or historic archaeological resources which have

been abandoned thirty years or more ((from public lands, the alteration, digging, excavating or removal of archaeological or historic archaeological resources from private lands where the landowner has requested the office to issue archaeological excavation and removal permits)), and the removal of glyptic or painted records ((of prehistoric peoples)) or archaeological resources from native Indian cairns or graves.

- (3) This chapter does not apply to the removal of artifacts found exposed on the surface of the ground which are not historic archaeological resources or sites except when there will be removal of glyptic or painted records ((of prehistoric peoples)), or archaeological resources from native Indian cairns or graves.
- (4) This chapter is applicable as follows to the removal of sample artifacts as provided under WAC 25-46-060 (1)(d):

WAC 25-48-010.

WAC 25-48-020.

WAC 25-48-030.

WAC 25-48-050.

WAC 25-48-060 (1)(a), except for the requirements of a completed inventory form, (1)(d), (f), (g), (h), (m), (n), and (5).

WAC 25-48-090.

WAC 25-48-100.

WAC 25-48-105.

WAC 25-48-120.

AMENDATORY SECTION (Amending Order 88-06, filed 11/4/88)

WAC 25-48-050 APPLICATION REQUIRE-MENTS AND FORMS. (1) Any person or entity covered by this chapter and described in WAC 25-48-030 proposing to dig, alter, excavate, and/or remove archaeological objects and sites or historic archaeological resources ((from public lands, or private lands where the landowner has transferred permit authority to the department)), or proposing to remove glyptic or painted records of ((prehistoric)) tribes or peoples, or archaeological resources from native Indian cairns or graves shall apply to the office for a permit for the proposed work, and shall not begin the proposed work until a permit has been issued.

(2) Each application for a permit from the department shall be submitted on the archaeological excavation and removal permit application form approved by the director. These application forms may be obtained from the Office of Archaeology and Historic Preservation, Department of Community Development, 111 West 21st Avenue KL-11, Olympia, WA 98504; telephone (206) 753-5010.

AMENDATORY SECTION (Amending Order 88–06, filed 11/4/88)

WAC 25-48-060 SUMMARY OF INFORMATION REQUIRED OF AN APPLICANT. (1) Each application for a permit shall include:

(a) The nature and extent of the work proposed, including how and why it is proposed to be conducted and

the methods proposed for excavation and recovery, proposed time of performance, locational maps, and a completed site inventory form.

- (b) An artifact inventory plan detailing the character of the expected data categories to be recovered including the proposed methods of inventorying the recovered data and proposed methods of cleaning, stabilizing, and curating of specimens and recovered data consistent with the Secretary of the Interior's standards for archaeological curation. If human remains are proposed for recovery, a plan for their removal and disposition must be provided.
- (c) A professional, scientific research design demonstrating that the work will be performed in a scientific and technically acceptable manner taking into account current scientific research issues and cultural resource management plans.
- (d) The name and address of the individual(s) proposed to be responsible for conducting the work, institutional affiliation, if any, and evidence of education, training, and experience in accord with the minimal qualifications listed in this chapter.
- (e) The name and address of the individual(s) proposed to be responsible for carrying out the terms and conditions of the permit, if different from the individuals enumerated under (d) of this subsection.
- (f) Financial evidence of the applicant's ability to initiate, conduct, and complete the proposed work, including evidence of logistical support and laboratory facilities.
- (g) A plan for site restoration following excavation activities and evidence of plans to secure bonding to cover the cost of site restoration.
- (h) Evidence of an agreement for the proposed work from the <u>owner</u>, agency, or political subdivision with management responsibility over the land.
- (i) Evidence of filing of the proposed work with the Washington archaeological research center.
- (j) For amateur society application, evidence of review and recommendations from the Washington archaeological research center.
- (k) A site security plan to assure the protection of the site and its contents during the public permit review and excavation process.
- (1) A public participation plan detailing the extent of public involvement and dissemination of project results.
- (m) A completed environmental checklist as required by WAC 197-11-100 to assist the office in making a threshold determination and to initiate SEPA compliance.
- (n) Evidence of abandonment: Abandonment will be presumed where the applicant presents information that thirty or more years have elapsed since the loss of the resource. If it appears to the office from any source that the resource has not been abandoned or may not have been abandoned, and in the case of all United States government warships, aircraft, or other public vessels, the office will find that the presumption does not arise and will require proof of abandonment. Proof may be satisfied by submission of a statement of abandonment from the owner, his or her successors, assigns or legal

representatives, or through final adjudication by a court of law.

- (2) Where the application is for the excavation and/or removal of archaeological resources on public lands, the name of the Washington university, museum, repository or other scientific or educational institution in which the applicant proposes to store all collections, and copies of records, data, photographs, and other documents derived from the proposed work. Applicants shall submit written certification, signed by an authorized official of the institution, of willingness to assume curatorial responsibility for the collections, records, data, photographs and other documents and to safeguard, preserve, and allow for the future scientific access to these materials as property of the state.
- (3) Where the application is for the excavation and/or removal of archaeological resources on private land, the name of the university, museum, repository, or other scientific or educational institution in which the applicant proposes to store copies of records, data, photographs, and other documents derived from the proposed work and all collections in the event the landowner does not wish to take custody or otherwise dispose of the archaeological resources. Applicants shall submit written certification, signed by an authorized official of the institution, of willingness to assume curatorial responsibility for the collections, if applicable, and/or the records, data, photographs, and other documents derived from the proposed work and to safeguard, preserve, and allow for the future scientific access to these materials.
- (4) Where the application is for the excavation and/or removal of a historic archaeological resource that is an historic aircraft, the name of the Washington museum, historical society, nonprofit organization, or governmental entity that proposes to assume curatorial responsibility for the resource. Applicants shall submit written certification, signed by an authorized official of the institution, of willingness to assume curatorial responsibility for the resource and all associated records, data, photographs and other documents derived from the proposed work and to safeguard, preserve, and allow for the future scientific and public access to these materials.
- (5) After review of the application, the office may require additional information to properly evaluate the proposed work and shall so inform the applicant. Field investigation or research may be required of the applicant or conducted by the office at the applicant's cost. A bond in an amount specified by the office may be required of the applicant to ensure payment of the professional expenses incurred by the office. Advance notice of any anticipated cost shall be given to the applicant.

AMENDATORY SECTION (Amending Order 11, filed 6/5/86)

WAC 25-48-070 NOTIFICATION TO INDIAN TRIBES. (1) Upon receipt of a completed application form for archaeological excavation of ((an)) a native Indian cairn or grave or the removal of glyptic or painted records, the office, at least thirty days before issuing such a permit, shall notify ((any)) the affected Indian tribe which may consider the site to be of historic or cultural significance.

- (2) Notice by the office ((to any Indian tribe)) shall be sent to the chief executive officer or other designated official of the tribe. Any native Indian tribe or other native American group may supply the office in advance with sites or locations for which such tribe or group wishes to receive notice under this section.
- (3) Upon request during the thirty-day period, the office may meet with official representatives of any native Indian tribe or group to discuss their interests, including, but not limited to, the proposed excavation methods. Mitigation measures, including stipulations pertaining to the disposition of human remains, may be incorporated into the terms and conditions of the permit.
- (4) When the office determines that a permit applied for under this chapter must be issued immediately because of an imminent threat of loss or destruction of an archaeological resource, the office shall so notify the appropriate tribe.
- (5) The tribes with whom the office has consulted shall be promptly notified in writing of the issuance of the permit.

AMENDATORY SECTION (Amending Order 88-06, filed 11/4/88)

WAC 25-48-090 ISSUANCE OF PERMIT. The office will normally act upon a permit application within sixty days of receipt of a complete permit application except in the case of an historic archaeological resource where the applicant is not the holder of the right of first refusal. Such applications shall be subject to the provisions of WAC 25-48-085. The director may issue a temporary permit immediately where delay could cause damage to an archaeological or historic archaeological resource or site. Said permit shall be valid only for thirty days. The office may issue a permit, for a specified period of time appropriate to the work to be conducted, upon determining that:

- (1) The applicant, or in the case of an amateur society, or other group or organization, the individual proposed to be responsible for conducting the archaeological work, is appropriately qualified, as evidenced by training, education, and/or experience, and possesses demonstrable competence in archaeological methods and theory, and in collecting, handling, analyzing, evaluating, and reporting archaeological data, relative to the type and scope of the work proposed, and also meets the minimum qualifications as a professional archaeologist.
- (2) The proposed <u>archaeological</u> work is to be undertaken for the purpose of furthering archaeological knowledge in the public interest, which may include but need not be limited to, scientific or scholarly research, and preservation of archaeological data.
- (3) The proposed <u>archaeological</u> work, including time, scope, location, and purpose, is not inconsistent with any management plan or established policy, objectives, or requirements applicable to the management of public lands concerned.
- (4) ((Evidence is submitted to the office that)) Any Washington university, museum, repository, or other scientific or educational institution proposed as the repository possesses adequate curatorial capability for

- safeguarding and preserving the archaeological resources and all associated records.
- (5) Where the application is for ((an)) a state-owned historic archaeological resource, a contract between the applicant and the department has been executed. Such a contract shall include but not be limited to the following terms and conditions:
 - (a) Historic shipwrecks:
- (i) The contract shall provide for fair compensation to a salvor. Fair compensation means an amount not less than ninety percent of the appraised value of the objects recovered following successful completion of the contract.
- (ii) The salvor may retain objects with a value of up to ninety percent of the appraised value of the total objects recovered, or cash, or a combination of objects and cash. In no event may the total of objects and cash exceed ninety percent of the total appraised value of the objects recovered. A salvor shall not be entitled to further compensation from any state sources.
- (iii) The contract shall provide that the state will be given first choice of which objects it may wish to retain for display purposes for the people of the state from among all the objects recovered. The state may retain objects with a value of up to ten percent of the appraised value of the total objects recovered. If the state chooses not to retain recovered objects with a value of up to ten percent of the appraised value, the state shall be entitled to receive its share in cash or a combination of recovered objects and cash so long as the state's total share does not exceed ten percent of the appraised value of the objects recovered.
- (iv) The contract shall provide that both the state and the salvor shall have the right to select a single appraiser or joint appraisers.
- (v) The contract shall provide that the applicant agrees to allow the department access to all artifacts and data recovered from the historic shipwreck for purposes of scholarly research and photographic documentation for the period specified by the department.
- (vi) The contract shall also provide that title to the objects shall pass to the salvor when the permit is issued. However, should the salvor fail to fully perform under the terms of the contract, title to all objects recovered shall revert to the state. If the salvor should fail to perform the contract terms specified in (a)(v) of this subsection and has disposed of the objects to which title has passed, the salvor shall be liable to the state for liquidated damages in the amount of the appraised value of the objects disposed of.
 - (b) Historic aircraft:
- (i) The contract shall provide that historic aircraft belonging to the state of Washington may only be recovered if the purposes of the salvage operation is to recover the aircraft for a Washington museum, historical society, nonprofit organization, or governmental entity.
- (ii) Title to the aircraft may only be passed by the state to one of the entities listed in (b)(i) of this subsection.
- (iii) Compensation to the salvor shall only be derived from the sale or exchange of the aircraft to one of the entities listed in (b)(i) of this subsection or such other

compensation as one of the entities and the salvor may arrange. The salvor shall not have a claim to compensation from state funds.

(c) Other historic archaeological resources:

The director, in his or her discretion, may negotiate the terms of such contracts.

- (6) Evidence that the applicant agrees to mitigate any archaeological damage which occurs during the excavations and recovery operations.
- (7) Evidence that the applicant agrees to allow the department access to all artifacts and data recovered from historic archaeological sites for purposes of scholarly research and photographic documentation for a period to be agreed upon by the parties.
- (8) Evidence that the applicant agrees to allow the department to have the right to publish scientific papers concerning the results of all research conducted as project mitigation.
- (9) After the granting of a permit and, when information filed with the office becomes inaccurate in any way, or additions or deletions are necessary, the applicant or permittee shall submit full details of any such changes and/or correct any inaccuracy, together with copies of any new required documents, with the office within fifteen days following the change. The office reserves the right to suspend or revoke a permit under the terms of WAC 25-48-110.

AMENDATORY SECTION (Amending Order 88-06, filed 11/4/88)

WAC 25-48-100 TERMS AND CONDITIONS OF PERMITS. (1) In all permits issued, the office shall specify:

- (a) The nature and extent of work allowed and required under the permit, including the time, duration, scope, location, and purpose of the work;
- (b) The name of the individual(s) responsible for conducting the work and, if different, the name of the individual(s) responsible for carrying out the terms and conditions of the permit.
- (c) The name of any university, museum, repository, or other scientific or educational institutions in which any collected materials and data shall be deposited.
- (d) Reporting documentation requirements and site restoration and mitigation requirements.
- (2) The director may specify such terms and conditions as deemed necessary, consistent with this chapter, to protect public safety and other values and/or resources, to secure work areas, to safeguard other legitimate land uses, and to limit activities incidental to work authorized under the permit. This may include sufficient bonding to cover cost of site restoration.
- (3) The office may include in permits issued for archaeological work on <u>native</u> Indian cairns and graves or glyptic or painted records such terms and conditions as may be requested by the concerned native Indian tribe.
- (4) Initiation of work or other activities under the authority of a permit signifies the permittee's acceptance of the terms and conditions of the permit.
- (5) The permittee shall not be released from requirements of a permit until all outstanding obligations have

been satisfied, whether or not the term of the permit has expired.

- (6) The permittee may request that the office extend or modify a permit. Such a request will require compliance with all the provisions of this chapter.
- (7) The permittee's performance under any permit issued for a period greater than one year shall be subject to review by the office, at least annually.

AMENDATORY SECTION (Amending Order 88-06, filed 11/4/88)

WAC 25-48-105 PERMIT DENIAL. If a permit is denied, a written statement of the reasons for the denial will accompany the notice of permit denial to the applicant as well as notice of the right to request a hearing. A permit may be denied for failure to adequately meet the ((standards required)) requirements of an ((application)) applicant under WAC 25-48-060 and/or the standards set forth in WAC 25-48-090.

AMENDATORY SECTION (Amending Order 11, filed 6/5/86)

WAC 25-48-110 SUSPENSION AND REVO-CATION OF PERMITS. (1) The office may suspend or revoke a permit issued pursuant to this chapter upon determining that the permittee has failed to meet any of the terms and conditions of the permit and upon at least twenty days written notice. In the case of emergencies which imminently threaten health, safety, or welfare including property, the office may summarily suspend a permit by immediately issuing a written order which incorporates a finding to that effect.

(2) The office shall provide written notice and the notice of right to request a public hearing to the permittee of the suspension or revocation, the cause thereof, and in the case of a suspension, the length of the suspension and the requirements which must be met before the suspension will be removed.

WSR 90-01-092 EMERGENCY RULES INSURANCE COMMISSIONER

[Order R 90-3-Filed December 19, 1989, 4:53 p.m.]

Date of Adoption: December 19, 1989.

Purpose: The purpose of this rule is to assure the orderly implementation and conversion of Medicare supplement insurance benefits and premiums due to changes in the federal Medicare program; to provide for the reasonable simplification and standardization of the coverage, terms, and benefits of Medicare supplement insurance policies, and to eliminate policy provisions which may duplicate Medicare benefits as the federal Medicare program changes; to facilitate public understanding and comparison of such policies and to eliminate provisions contained in such policies which may be misleading or confusing; to establish minimum standards for Medicare supplement insurance, an "outline of coverage" and other disclosure requirements; to prohibit the use of certain provisions in Medicare supplemental insurance policies;

to define and prohibit certain acts and practices as unfair methods of competition or unfair or deceptive acts or practices; and to establish loss ratio requirements, policy reserves, filing and reporting procedures.

Citation of Existing Rules Affected by this Order: Repealing chapter 284-55 WAC.

Statutory Authority for Adoption: 48.02.060, 48.20-.450, 48.20.460, 48.20.470, 48.30.010, 48.44.020, 48.44-.050, 48.44.070, 48.46.030, 48.46.130 and 48.46.200.

Other Authority: RCW 48.66.041, 48.66.050, 48.66.070, 48.66.100, 48.66.110, 48.66.120, 48.66.130, 48.66.150 and 48.66.160.

Pursuant to RCW 34.05.350 the agency for good cause finds that state or federal law or federal rule or a federal deadline for state receipt of federal funds requires immediate adoption of a rule.

Reasons for this Finding: Congress enacted the Medicare Catastrophic Coverage Repeal Act on November 21, 1989, and President Bush signed it into law on December 13, 1989. The repealed act affects all in-force Medicare supplement insurance policies and sets requirements for the sale of such policies, effective January 1, 1990. This chapter sets forth state requirements affecting existing Medicare supplement policies and standards for their future sale. It is adopted as an emergency rule in order to allow insurers time before January 1, 1990, to alter their policy forms, pricing structures and consumer disclosure materials in order to minimize the disruption of availability of Medicare supplement insurance policies and contracts.

Effective Date of Rule: Immediately.

December 19, 1989
By David H. Roger
Chief Deputy
Insurance Commissioner
for Dick Marquardt
Insurance Commissioner

Reviser's note: The material contained in this filing will appear in the 90–02 issue of the Register as it was received after the applicable closing date for the issue for agency-typed material exceeding the volume limitations of WAC 1–21–040.

WSR 90-01-093 PROPOSED RULES DEPARTMENT OF ECOLOGY

[Order 89-59—Filed December 20, 1989, 8:44 a.m.]

Continuance of WSR 89-23-126.

Title of Rule: WAC 173-19-2505 Bothell, city of.

Purpose: Adoption of revised shoreline master program into state master program, chapter 173-19 WAC.

Other Identifying Information: This notice continues the adoption date from January 2, 1990, to March 6, 1990, and establishes a new hearing in Bothell.

Statutory Authority for Adoption: RCW 90.58.200.

Statute Being Implemented: Chapter 90.58 RCW, Shoreline Management Act of 1971.

Summary: This filing is procedural only and is being filed in accordance with the State Shorelines Hearings Board stipulation and Order 89-48.

Reasons Supporting Proposal: This master program amendment was approved by the State Shorelines Hearings Board on November 15, 1989, as consistent with the policy of the State Shorelines Management Act of 1971, RCW 90.58.020, and applicable guidelines.

Name of Agency Personnel Responsible for Implementation and Enforcement: D. Rodney Mack, Department of Ecology, Mailstop PV-11, Olympia, 98504, 459-6777.

Name of Proponent: Department of Ecology, governmental.

Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: The text of this rule as adopted will be identical to that contained in SHB Order No. 89-48 which amends the Bothell shoreline master program to include a "urban-special management overlay designation." Said designation fosters reasonable and appropriate uses while protecting against adverse effects to the environment.

Proposal Changes the Following Existing Rules: The proposal changes the city of Bothell shoreline master program, WAC 173-19-2505, to comply with SHB Order No. 89-48.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

Hearing Location: Bothell City Council Chambers, 18305 101st Avenue S.E., Bothell, WA 98011, on February 8, 1990, at 7:00 p.m.

Submit Written Comments to: Master Program Coordinator, Department of Ecology, Shorelands and Coastal Zone Management Program, Mailstop PV-11, Olympia, Washington 98504, by February 15, 1990.

Date of Intended Adoption: March 6, 1990.

Fred A. Olson Deputy Director

WSR 90-01-094 PROPOSED RULES DEPARTMENT OF ECOLOGY

[Filed December 20, 1989, 8:47 a.m.]

Original Notice.

Title of Rule: WAC 173-19-220 Grays Harbor County.

Purpose: Adoption of revised shoreline master program into state master program, chapter 173-19 WAC.

Statutory Authority for Adoption: RCW 90.58.200.

Statute Being Implemented: Chapter 90.58 RCW, Shoreline Management Act of 1971.

Summary: The amendment revises the shoreline master program for Grays Harbor County.

Reasons Supporting Proposal: Shoreline master programs and revisions thereto are developed by local governments and submitted to the department for approval. The programs do not become effective until adopted by the department in accordance with the Shoreline Management Act and the Administrative Procedure Act.

Name of Agency Personnel Responsible for Drafting: Peter Skowlund, Department of Ecology, Mailstop PV-11, Olympia, 98504, 438-7430; Implementation and Enforcement: D. Rodney Mack, Department of Ecology, Mailstop PV-11, Olympia, 98504, 459-6777.

Name of Proponent: Department of Ecology, governmental.

Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: This amendment of the Grays Harbor shoreline master program is proposed intending to allow the Ocosta School District to fill one acre for an athletic facility subject to certain conditions.

Proposal Changes the Following Existing Rules: Amending WAC 173-19-220.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

Hearing Location: Commissioners Hearing Room, 1st Floor, County Administration Building, 100 West Broadway, Montesano, WA 98563, on February 7, 1990, at 7:00 p.m.

Submit Written Comments to: Master Program Coordinator, Washington State Department of Ecology, Shorelands and Coastal Zone Management Program, Mailstop PV-11, Olympia, Washington 98504, by February 16, 1990.

Date of Intended Adoption: March 20, 1990.

Fred A. Olson Deputy Director

AMENDATORY SECTION (Amending Order DE 88-52, filed 9/8/88)

WAC 173-19-220 GRAYS HARBOR COUNTY. Grays Harbor County master program approved August 6, 1975. Revision approved December 2, 1977. Revision approved July 17, 1978. Revision approved March 27, 1980. Revision approved June 3, 1986. Revision approved August 21, 1987. Revision approved April 5, 1988. Revision approved September 6, 1988. Revision approved March 6, 1990.

Reviser's note: RCW 34.05.395 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

WSR 90-01-095 PROPOSED RULES DEPARTMENT OF ECOLOGY

[Filed December 20, 1989, 8:49 a.m.]

Original Notice.

Title of Rule: WAC 173-19-420 Thurston County.

Purpose: Adoption of revised shoreline master program into state master program, chapter 173-19 WAC. Statutory Authority for Adoption: RCW 90.58.200.

Statute Being Implemented: Chapter 90.58 RCW, Shoreline Management Act of 1971.

Summary: The amendment revises the shoreline master program for Thurston County.

Reasons Supporting Proposal: Shoreline master programs and revisions thereto are developed by local governments and submitted to the department for approval.

The programs do not become effective until adopted by the department in accordance with the Shoreline Management Act and the Administrative Procedure Act.

Name of Agency Personnel Responsible for Drafting: Peter Skowlund, Department of Ecology, Mailstop PV-11, Olympia, 98504, 438-7430; Implementation and Enforcement: D. Rodney Mack, Department of Ecology, Mailstop PV-11, Olympia, 98504, 459-6777.

Name of Proponent: Department of Ecology, governmental.

Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: These amendments address policies relating to boating facilities, over-water buildings, landfill, and bulkheads; clarifies wetland jurisdiction; defines special area management plan; creates a new "suburban" environment designation; redefines "water-dependency"; establishes a process for major revisions of the shoreline master program; establishes shoreline "open space" tracts; and incorporates definition changes to bring the master program into compliance with the Shoreline Management Act and Washington Administrative Code.

Proposal Changes the Following Existing Rules: Amending WAC 173-19-420.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

Hearing Location: Lakeridge Professional Plaza, 921 Lakeridge Drive S.W., Room 191, Olympia, WA, on February 5, 1990, at 7:00 p.m.

Submit Written Comments to: Master Program Coordinator, Washington State Department of Ecology, Shorelands and Coastal Zone Management Program, Mailstop PV-II, Olympia, WA 98504, by February 16,

Date of Intended Adoption: March 20, 1990.

Fred A. Olson Deputy Director

AMENDATORY SECTION (Amending Order DE 87-28, filed 9/30/87)

WAC 173-19-420 THURSTON COUNTY. Thurston County master program approved May 21, 1976. Revision approved August 27, 1976. Revision approved August 7, 1979. Revision approved September 23, 1981. Revision approved March 4, 1982. Revision approved August 30, 1984. Revision approved September 29, 1987. Revision approved March 6, 1990.

WSR 90-01-096 PROPOSED RULES DEPARTMENT OF ECOLOGY

[Filed December 20, 1989, 8:58 a.m.]

Original Notice.

Title of Rule: WAC 173-19-4507 Sumas, city of.

Purpose: Adoption of revised shoreline master program into state master program, chapter 173-19 WAC.

Statutory Authority for Adoption: RCW 90.58.200. Statute Being Implemented: Chapter 90.58 RCW,

Shoreline Management Act of 1971.

Summary: The amendment revises the shoreline master program for city of Sumas.

Reasons Supporting Proposal: Shoreline master programs and revisions thereto are developed by local governments and submitted to the department for approval. The programs do not become effective until adopted by the department in accordance with the Shoreline Management Act and the Administrative Procedure Act.

Name of Agency Personnel Responsible for Drafting: Nora Jewett, Department of Ecology, Mailstop PV-11, Olympia, 98504, 459-6789; Implementation and Enforcement: D. Rodney Mack, Department of Ecology, Mailstop PV-11, Olympia, 98504, 459-6777.

Name of Proponent: Department of Ecology, governmental.

Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: This amendment of the city of Sumas shoreline master program is intended to redesignate a portion of the shoreline of Johnson Creek from conservancy to urban. The conservancy designation was adopted erroneously, and the existing use of this area is urban.

Proposal Changes the Following Existing Rules: Amending WAC 173-19-4507.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

Hearing Location: City Council Chambers, City Hall, 433 Cherry Street, Sumas, WA 98295, on January 25, 1990, at 7:00 p.m.

Submit Written Comments to: Master Program Coordinator, Washington State Department of Ecology, Shorelands and Coastal Zone Management Program, Mailstop PV-11, Olympia, Washington 98504, by February 6, 1990.

Date of Intended Adoption: March 20, 1990.

December 19, 1989 Fred A. Olson Deputy Director

 $\frac{AMENDATORY}{1/6/89)} \; SECTION \; (Amending \; Order \; DE \; 88-48, \; filed \; 1/6/89)$

WAC 173-19-4507 SUMAS, CITY OF. City of Sumas master program approved September 29, 1975. Revision approved January 3, 1989. Revision approved March 6, 1990.

WSR 90-01-097 EMERGENCY RULES WHATCOM COMMUNITY COLLEGE

[Filed December 20, 1989, 9:04 a.m.]

Date of Adoption: December 12, 1989.

Purpose: Adopt new chapter on procedure to adopt chapter 10–08 WAC, Model rules of procedure; adopt new rule on organization as required in RCW 34.05.220 (1)(b); and adopt rule on loss of eligibility for student athletes to comply with chapter 69.41 RCW.

Citation of Existing Rules Affected by this Order: Amending WAC 132U-116-030.

Statutory Authority for Adoption: RCW 28B.50.140, chapters 34.05 and 69.41 RCW.

Pursuant to RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: Chapter 34.05 RCW, the Administrative Procedure Act, went into effect July 1, 1989, as did chapter 10–08 WAC, Model rules of procedure. Whatcom Community College needs to bring its rules into compliance with these. Hearings will occur in February on the proposed permanent rules.

Effective Date of Rule: January 1, 1990.

December 18, 1989 Wendy Bohlke Assistant Attorney General

Chapter 132U-03 WAC ORGANIZATION

WAC

132U-03-010 Purpose.

132U-03-020 Organization—Operation—

Information.

132U-03-030 Rules coordinator.

NEW SECTION

WAC 132U-03-010 PURPOSE. The purpose of this chapter is to establish rules implementing RCW 34-.05.220 (1)(b) and 42.17.250 (1)(a) and (b).

NEW SECTION

WAC 132U-03-020 ORGANIZATION—OP-ERATION—INFORMATION. (1) Organization. Whatcom Community College is established in Title 28B RCW as a public institution of higher education. The institution is governed by a five-member board of trustees, appointed by the governor. The board employs a president, who acts as the chief executive officer of the institution. The president establishes the structure of the administration.

(2) Operation. The administrative office of Whatcom Community College is at the following address:

237 West Kellogg Road Bellingham, Washington 98226

The office hours are 8:00 a.m. to 5:00 p.m., Monday through Friday, except legal holidays. Educational operations are also located at the following addresses:

245 Marine Drive Blaine, Washington 98230

1600 Grover Street Lynden, Washington 98264

(3) Information. Additional and detailed information concerning the educational offerings may be obtained from the catalog, copies of which are available at the following address:

Admissions Office Whatcom Community College 237 West Kellogg Road Bellingham, Washington 98226

NEW SECTION

WAC 132U-03-030 RULES COORDINATOR. The rules coordinator for this institution shall have an office located at the office of the president, with the following mailing address:

Office of the President Whatcom Community College 237 West Kellogg Road Bellingham, WA 98226

Chapter 132U-108 WAC PROCEDURE

WAC

132U-108-010 Rules of procedure.

132U-108-020 Brief adjudicative procedure.

132U-108-021 Presiding officer.

132U-108-030 Adjudicative proceedings open.

NEW SECTION

WAC 132U-108-010 RULES OF PROCEDURE. The model rules of procedure adopted by the chief administrative law judge pursuant to RCW 34.05.250, as now or hereafter amended, are hereby adopted for use at this institution. Those rules may be found in chapter 10-08 WAC.

NEW SECTION

WAC 132U-108-020 BRIEF ADJUDICATIVE PROCEDURE. This rule is adopted in accordance with RCW 34.05.482 through 34.05.494, the provisions of which are hereby adopted. Brief adjudicative procedures shall be used in all matters related to:

- (1) Appeals from residency classifications made pursuant to RCW 28B.15.013;
 - (2) Appeals from parking infractions;
- (3) Student conduct or disciplinary proceedings in which the proposed penalty is less than dismissal.

NEW SECTION

WAC 132U-108-021 PRESIDING OFFICER. This rule is adopted in accordance with RCW 34.05.425. The presiding officer in an administrative hearing for this institution shall be an adjudicative law judge or an attorney in good standing with the Washington State Bar Association, and designated by the president.

NEW SECTION

WAC 132U-108-030 ADJUDICATIVE PRO-CEEDINGS OPEN. Adjudicative proceedings shall be open to the public, except for student disciplinary matters, in compliance with 20 U.S.C. Sec. 1232g, the Family Educational Rights and Privacy Act, unless the student chooses to have the hearing open to the public, and faculty and administrative exempt disciplinary proceedings, unless the person subject of the proceedings chooses to have the hearing open to the public.

AMENDATORY SECTION (Amending Order 88–02, filed 3/15/88)

WAC 132U-116-030 PARKING AND TRAFFIC REGULATIONS. (1) All students, faculty members and staff at Whatcom Community College may be issued parking permits upon registration or employment with the college may be required to display those permits on their vehicles in a prominent place.

- (2) People who come upon the campus as guests, and people who lawfully visit the campus for purposes which are in keeping with the college's role as an institution of higher education may park in the campus visitor parking lot.
- (3) Students, faculty, staff and visitors shall obey any signs or painted instructions regarding parking regulations on the campus.
- (4) The college reserves the right to have towed from the college premises any abandoned vehicle ((or)), any vehicle blocking a fire lane ((or)), any vehicle parked in a handicapped parking space without the appropriate permit, or any vehicle parked outside of designated parking spaces, or otherwise in violation of college parking and traffic regulations.
- (5) Cars left in excess of 48 hours will be considered abandoned and may be towed at the expense of the
- (6) A student's failure to abide by these regulations shall constitute a conduct violation, subjecting the student to fines as authorized by the board of trustees or to discipline under Chapter 132U-120 WAC.
- (7) Faculty, administration or staff members who fail to abide by these regulations shall be subject to discipline under the system appropriate to the employee's status and classification.

Chapter 132U-400 WAC LOSS OF ELIGIBILITY—STUDENT ATHLETIC PARTICIPATION

WAC

132U-400-010 Immediate suspension.

NEW SECTION

WAC 132U-400-010 IMMEDIATE SUSPEN-SION. Student athletes found to have violated chapter 69.41 RCW, Legend drugs—Prescription drugs, shall, upon conviction, be immediately suspended from participation in school-sponsored athletic events by the director of athletics. The period of loss of eligibility to participate will be determined by the director of athletics at the conclusion of a brief adjudicative hearing, to be commenced within twenty days of the suspension.

WSR 90-01-098 EMERGENCY RULES SKAGIT VALLEY COLLEGE

[Filed December 20, 1989, 9:06 a.m.]

Date of Adoption: December 12, 1989.

Purpose: Place into WAC regulations on student records; adopt new chapter on procedure to adopt chapter 10–08 WAC, Model rules of procedure; adopt new rule on organization as required in RCW 34.05.220 (1)(b); and adopt rule on loss of eligibility for student athletes to comply with chapter 69.41 RCW.

Statutory Authority for Adoption: RCW 28B.50.140, chapter 34.05 RCW, 26 U.S.C. 1232g and chapter 69.41 RCW.

Pursuant to RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: Chapter 34.05 RCW, the Administrative Procedure Act, went into effect July 1, 1989, as did chapter 10–08 WAC, Model rules of procedure. Skagit Valley College needs to bring its rules into compliance with these. Hearings will occur in February on the proposed permanent rules.

Effective Date of Rule: January 1, 1990.

December 18, 1989 Wendy Bohlke Assistant Attorney General

Chapter 132D-108 WAC PRACTICE AND PROCEDURE

WAC	
132D-108-010	Adoption of model rules of procedure.
132D-108-020	Appointment of presiding officers.
132D-108-030	Method of recording.
132D-108-040	Application for adjudicative
	proceeding.
132D-108-050	Brief adjudicative procedures.
132D-108-060	Discovery.
132D-108-070	Procedure for closing parts of the
	hearings.
132D-108-080	Recording devices.
132D-108-090	Petitions for stay of effectiveness.

NEW SECTION

WAC 132D-108-010 ADOPTION OF MODEL RULES OF PROCEDURE. The model rules of procedure adopted by the chief administrative law judge pursuant to RCW 34.05.250, as now or hereafter amended, are hereby adopted for use at this institution. Those rules may be found in chapter 10-08 WAC. Other procedural rules adopted in this title are supplementary to the model rules of procedure. In the case of a conflict between the model rules of procedure and procedural

rules adopted in this title, the procedural rules adopted by this institution shall govern. Rules adopted at this institution prior to July 1, 1989, remain in full force and effect unless specifically repealed or amended.

NEW SECTION

WAC 132D-108-020 APPOINTMENT OF PRE-SIDING OFFICERS. The president or president's designee shall designate a presiding officer for an adjudicative proceeding. The presiding officer shall be an administrative law judge, a member in good standing of the Washington State Bar Association, a panel of individuals, the president or his or her designee, or any combination of the above. Where more than one individual is designated to be the presiding officer, one person shall be designated by the president or president's designee to make decisions concerning discovery, closure, means of recording adjudicative proceedings, and similar matters.

NEW SECTION

WAC 132D-108-030 METHOD OF RECORD-ING. Proceedings shall be recorded by a method determined by the presiding officer, among those available pursuant to the model rules of procedure in WAC 10-08-170.

NEW SECTION

WAC 132D-108-040 APPLICATION FOR AD-JUDICATIVE PROCEEDING. An application for an adjudicative proceeding shall be in writing. Application forms are available at the following address:

> President's Office 2405 E. College Way Mount Vernon, WA 98273

Written application for an adjudicative proceeding should be submitted to the above address within twenty days of the agency action giving rise to the application, unless provided for otherwise by statute or rule.

NEW SECTION

WAC 132D-108-050 BRIEF ADJUDICATIVE PROCEDURES. This rule is adopted in accordance with RCW 34.05.482 through 34.05.494, the provisions of which are hereby adopted. Brief adjudicative procedures shall be used in all matters related to:

- (1) Residency determinations made pursuant to RCW 28B.15.013, conducted by the admissions office.
 - (2) Challenges to contents of education records;
- (3) Student conduct proceedings. The procedural rules in chapter 132D-120 WAC apply to these proceedings;
- (4) Parking violations. The procedural rules in chapter 132D-116 WAC apply to these proceedings;
 - (5) Outstanding debts owed by students or employees;
- (6) Loss of eligibility for participation in institution-sponsored athletic events, pursuant to chapter 132D-400 WAC.

NEW SECTION

WAC 132D-108-060 DISCOVERY. Discovery in adjudicative proceedings may be permitted at the discretion of the presiding officer. In permitting discovery, the presiding officer shall make reference to the civil rules of procedure. The presiding officer shall have the power to control the frequency and nature of discovery permitted, and to order discovery conferences to discuss discovery issues.

NEW SECTION

WAC 132D-108-070 PROCEDURE FOR CLOS-ING PARTS OF THE HEARINGS. A party may apply for a protective order to close part of a hearing. The party making the request should state the reasons for making the application to the presiding officer. If the other party opposes the request, a written response to the request shall be made within ten days of the request to the presiding officer. The presiding officer shall determine which, if any, parts of the proceeding shall be closed, and state the reasons therefor in writing within twenty days of receiving the request.

NEW SECTION

WAC 132D-108-080 RECORDING DEVICES. No cameras or recording devices shall be allowed in those parts of proceedings which the presiding officer has determined shall be closed pursuant to WAC 132D-108-010, except for the method of official recording selected by the institution.

NEW SECTION

WAC

WAC 132D-108-090 PETITIONS FOR STAY OF EFFECTIVENESS. Disposition of a petition for stay of effectiveness of a final order shall be made by the official, officer, or body of officers, who entered the final order.

Chapter 132D-130 WAC STUDENT RECORDS

132D-130-010	Purpose.
132D-130-020	Definitions.
132D-130-030	Access to records.
132D-130-035	Access to records—Limitations on access.
132D-130-040	Right to copy records.
132D-130-045	Request for explanation or interpreta- tion of record.
132D-130-050	Challenges—To content of records— To release of records—Or to denial of access to records.
132D-130-055	Challenges—Informal proceedings.
132D-130-060	Challenges—Hearing before grievance review committee.
132D-130-070	Release of personally identifiable information or education records.
132D-130-075	Release of personally identifiable in- formation or education records— Nature of consent required.

132D-130-080	Release of personally identifiable in- formation or education records— Exceptions to consent requirement.
132D-130-085	Release of information in
132D-130-090	emergencies. Directory information.
132D-130-095	Destruction of student records.
132D-130-100	Notification of rights under this chapter.

NEW SECTION

WAC 132D-130-010 PURPOSE. The purpose of this chapter is to implement 20 U.S.C. Sec. 1232g, the Family Educational Rights and Privacy Act of 1974, by establishing rules and procedures to ensure that information contained in student records is accurate and is handled in a responsible manner by the university and its employees.

NEW SECTION

WAC 132D-130-020 DEFINITIONS. For purposes of this chapter, the following terms shall have the indicated meanings:

- (1) "Student" shall mean any person who is or has been officially registered at and attending Skagit Valley College and with respect to whom the college maintains education records or personally identifiable information.
- (a) "Education records" shall refer to those records, files, documents, and other materials maintained by Skagit Valley College or by a person acting for Skagit Valley College which contain information directly related to a student.
- (b) The term "education records" does not include the following:
- (i) Records of instructional, supervisory, or administrative personnel and educational personnel ancillary thereto which are in the sole possession of the maker thereof and which are not accessible or revealed to any other person except a substitute;
- (ii) If the personnel of the college's department of safety and security do not have access to education records under WAC 132D-130-080, and records and documents of the department which are kept apart from records described in (a) of this subsection, are maintained solely for law enforcement purposes, and are not made available to persons other than law enforcement officials of the same jurisdiction;
- (iii) Records made and maintained by the college in the normal course of business which relate exclusively to a person's capacity as an employee and are not available for any other purpose except that records relating to an individual in attendance at the college who is employed as a result of his or her status as a student are education records not excepted; or
- (iv) Records concerning a student which are created or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in his or her professional or paraprofessional capacity, or assisting in that capacity, and which are created, maintained, or used only in connection with the provision of treatment to the student and are not available to

anyone other than persons providing such treatment, except that such records may be personally reviewed by a physician or other appropriate professional of the student's choice.

- (2) "Personally identifiable information" shall refer to data or information which includes either:
- (a) The name of a student, the student's parent, or other family member,
 - (b) The address of the student,
 - (c) The address of the student's family,
- (d) A personal identifier, such as the student's Social Security number or student number,
- (e) A list of personal characteristics which would make it possible to identify the student with reasonable certainty; or
- (f) Other information which would make it possible to identify the student with reasonable certainty.
- (3) "Dean of administrative and student services" shall refer to the dean of administrative and student services or his or her designee.

NEW SECTION

WAC 132D-130-030 ACCESS TO RECORDS. (1) Except as provided in WAC 132D-130-035, each student at Skagit Valley College shall have access to his or her education records. The right of access shall include the right to inspect, review, and obtain copies of education records.

(2) The dean of administrative and student services shall prepare a list of the types of student education records which are maintained by Skagit Valley College.

- (3) A student wishing access to his or her education records shall submit a written request for access to the dean of administrative and student services. A request for access shall be acted upon by the dean of administrative and student services within a reasonable period of time, not to exceed twenty days.
- (4) The dean of administrative and student services shall provide students of the college with an opportunity for reasonable access to education records, provided that the dean of administrative and student services shall be responsible for taking appropriate measures to safeguard and ensure the security and privacy of the institution's records while being inspected by students.
- (5) The dean of administrative and student services will inform in writing a student who has requested access to his or her education records of the nature of any records which are being withheld from the student on the basis of the exceptions set forth in WAC 132D-130-035. A student may challenge a decision by the dean of administrative and student services to withhold certain of the student's records by filing an appeal with the grievance review committee, WAC 132D-120-230.
- (6) This section shall not prohibit the college registrar from providing a student with a copy of the student's academic transcript without prior clearance from the dean of administrative and student services.

NEW SECTION

WAC 132D-130-035 ACCESS TO RECORDS—LIMITATIONS ON ACCESS. (1) Skagit Valley College shall not make available to a student the following types of materials:

- (a) The financial records of the student's parents or any information contained therein.
- (b) Letters or statements of recommendation, evaluation or comment which were provided to the college in confidence, either expressed or implied, prior to January 1, 1975, provided that such letters or statements shall not be used for purposes other than those for which they were originally intended.
- (c) If a student has signed a waiver of the student's right of access in accordance with subsection (2) of this section, confidential records relating to the following:
 - (i) Admission to any educational agency or institution;
 - (ii) An application for employment; or
 - (iii) The receipt of an honor or honorary recognition.
- (2) A student, or a person applying for admission to the college, may waive his or her right of access to the type of confidential records referred to in subsection (1)(c) of this section, provided that such waiver shall apply only if the student is, upon request, notified of the names of all persons making confidential recommendations, and such recommendations are used solely for the specific purpose for which the waiver has been granted. Such a waiver may not be required as a condition for admission to, receipt of financial aid from, or receipt of other services or benefits from the college.
- (3) If any material or document in the education record of a student includes information concerning more than one student, the student shall only have the right either to inspect and review that portion of the material or document which relates to the student or to be informed of the specific information contained in that portion of the material or document.

NEW SECTION

WAC 132D-130-040 RIGHT TO COPY RE-CORDS. (1) The dean of administrative and student services shall, at the request of a student, provide the student with copies of the student's education records. The fees for providing such copies shall not exceed the actual cost to the university of providing the copies.

(2) Official copies of transcripts from other educational institutions, such as high school or other college transcripts, will not be provided to students by the college.

NEW SECTION

WAC 132D-130-045 REQUEST FOR EXPLANATION OR INTERPRETATION OF RECORD. The dean of administrative and student services shall respond to reasonable requests for explanations or interpretations of the contents of student education records.

NEW SECTION

WAC 132D-130-050 CHALLENGES—TO CONTENT OF RECORDS—TO RELEASE OF RECORDS—OR TO DENIAL OF ACCESS TO RECORDS. (1) Any student who believes that inaccurate, misleading, or otherwise inappropriate data is contained within his or her education records shall be permitted to have included within the record a written explanation by the student concerning the content of the records.

- (2) A student shall have the right, in accordance with the procedures set forth in WAC 132D-130-055 and 132D-130-060, to:
- (a) Challenge the content of education records in order to ensure that the records are not inaccurate, misleading, or otherwise in violation of the privacy or other rights of the students;
- (b) Have the opportunity to correct or delete inaccurate, misleading, or otherwise inappropriate data contained within education records;
- (c) Challenge the release of education records to specific persons as contrary to the provisions of this chapter, and
- (d) Challenge a decision by the college to deny the student access to particular types of records.
- (3) A student shall not be permitted under this chapter to challenge the validity of grades given in academic courses, except on the grounds that, as a result of clerical error, the student's records fail to accurately reflect the grades actually assigned by an instructor.

NEW SECTION

WAC 132D-130-055 CHALLENGES—IN-FORMAL PROCEEDINGS. A student wishing to exercise the rights set forth in WAC 132D-130-050(2) shall first discuss with the dean of administrative and student services the nature of the corrective action sought by the student.

NEW SECTION

WAC 132D-130-060 CHALLENGES—HEAR-ING BEFORE GRIEVANCE REVIEW COMMITTEE. (1) If informal proceedings fail to resolve the complaint of a student, the student may file with the dean of administrative and student services a written request for a hearing before the grievance review committee of the college.

(2) Within a reasonable time after submission of a request for hearing, the student rights and responsibilities committee shall conduct a hearing concerning the student's request for corrective action.

The student and the college shall be given a full opportunity to present relevant evidence at the hearing before the student rights and responsibilities committee.

(3) If a student demonstrates that the student's education records are inaccurate, misleading, or otherwise in violation of the privacy or other rights of the student, the student rights and responsibilities committee shall have authority to order the correction or deletion of inaccurate, misleading, or otherwise inappropriate data contained in the records.

- (4) If a student demonstrates that the release of the student's education records would be improper under this chapter, the student rights and responsibilities committee shall have authority to order that the records not be released.
- (5) If a student demonstrates that the student is entitled to access to particular documents under this chapter, the student rights and responsibilities committee shall have authority to order that the student be permitted access to the records.
- (6) The decision of the student rights and responsibilities committee shall be rendered in writing within a reasonable period of time after the conclusion of the hearing.

NEW SECTION

WAC 132D-130-070 RELEASE OF PERSON-ALLY IDENTIFIABLE INFORMATION OR EDU-CATION RECORDS. Except as provided in WAC 132D-130-080, 132D-130-085, or 132D-130-090, the college shall not permit access to or the release of a student's education records or personally identifiable information contained therein to any person without the written consent of the student.

NEW SECTION

WAC 132D-130-075 RELEASE OF PERSON-ALLY IDENTIFIABLE INFORMATION OR EDUCATION RECORDS—NATURE OF CONSENT REQUIRED. Where the consent of a student is required under WAC 132D-130-070 for the release of education records or personally identifiable materials contained therein, the student's consent shall be in writing, shall be signed and dated by the student, and shall include a specification of the records to be released, the reasons for such release, and the names of the parties to whom the records may be released.

NEW SECTION

WAC 132D-130-080 RELEASE OF PERSON-ALLY IDENTIFIABLE INFORMATION OR EDU-CATION RECORDS—EXCEPTIONS TO CONSENT REQUIREMENT. (1) The college may permit the access to or release of a student's education records or personally identifiable information contained therein without the written consent of the student to the following parties:

- (a) College officials, including faculty members, when the information is required for a legitimate educational purpose within the scope of the recipient's official responsibilities with the college and will be used only in connection with the performance of those responsibilities;
- (b) Federal or state officials requiring access to education records in connection with the audit or evaluation of federally or state—supported educational programs or in connection with the enforcement of federal or state legal requirements relating to such programs. In such cases, the information required shall be protected by the federal or state officials in a manner which shall not permit the personal identification of students or their

parents to other than those officials, and such personally identifiable data shall be destroyed when no longer needed for the purposes for which it was provided;

- (c) Agencies or organizations requesting information in connection with a student's application for, or receipt of, financial aid;
- (d) Organizations conducting studies for or on behalf of the university for purposes of developing, validating or administering predictive tests, administering student aid programs, or improving instruction, if such studies are conducted in a manner which will not permit the personal identification of students by persons other than representatives of such organizations, and the information will be destroyed when no longer needed for the purposes for which it was provided;
- (e) Accrediting organizations in order to carry out their accrediting functions; or
- (f) Any person or entity authorized by judicial order or lawfully issued subpoena to receive such records or information, upon condition that the student is notified of all such orders or subpoenas in advance of compliance therewith by the college. Any college employee or official receiving a subpoena or judicial order for education records or personally identifiable information contained therein shall immediately notify the assistant attorney general representing the college.
- (2) Education records of a student or personally identifiable information contained therein which are released to third parties, with or without the consent of the student involved, shall be accompanied by a written statement indicating that the information cannot subsequently be released in a personally identifiable form to any other party without the written consent of the student involved.
- (3) The college shall maintain a record, kept with the education records of each student, indicating all parties, other than those parties specified in subsection (1)(a) of this section, which have requested or obtained access to the student's education records, and indicating the legitimate interest that each such party has in obtaining the records or information contained therein. This record of access shall be available only to the student, to the employees of the college responsible for maintaining the records, and to the parties identified under subsection (1)(a) and (c) of this section.

NEW SECTION

WAC 132D-130-085 RELEASE OF INFORMA-TION IN EMERGENCIES. (1) The dean of administrative and student services or his or her designee may, without the consent of a student, release the student's education records or personally identifiable information contained therein to appropriate parties in connection with an emergency if the knowledge of such information is necessary to protect the health or safety of the student or other persons.

- (2) The following factors should be taken into consideration in determining whether records may be released under this section:
- (a) The seriousness of the threat to the health or safety of the student or other persons;

- (b) The need for personally identifiable information concerning the student to meet the emergency;
- (c) Whether the parties to whom the records or information are released are in a position to deal with the emergency, and
- (d) The extent to which time is of the essence in dealing with the emergency.
- (3) If the college, pursuant to subsection (1) of this section, releases personally identifiable information concerning a student without the student's consent, the college shall notify the student as soon as possible of the identity of the parties and to whom the records or information have been released and of the reasons for the release.

NEW SECTION

WAC 132D-130-090 DIRECTORY INFORMATION. (1) The college may release "directory information" concerning a student to the public unless the student requests in writing of the dean of administrative and student services that the student's directory information not be released except as provided in WAC 132D-130-070, 132D-130-080, or 132D-130-085.

(2) The term "directory information" shall include information relating to the student's name, local and home address, telephone listing, date and place of birth, major field of study, dates of attendance, degrees and awards received, participation in officially-recognized sports and activities, weight and height if a member of an athletic team, and the most recent previous educational institution attended.

NEW SECTION

WAC 132D-130-095 DESTRUCTION OF STU-DENT RECORDS. Except as otherwise provided by law, the college shall not be precluded under this chapter from destroying all or any portion of a student's education records, provided that no education record to which a student has requested access shall be removed or destroyed by the college prior to providing the student with the requested access.

NEW SECTION

WAC 132D-130-100 NOTIFICATION OF RIGHTS UNDER THIS CHAPTER. The college shall annually notify students currently in attendance of their rights under this chapter and the Family Educational Rights and Privacy Act.

The notice shall include a statement that the student has a right to each of the following:

- (1) Inspect and review the student's education records;
- (2) Request the amendment of the student's education records to ensure that they are not inaccurate, misleading, or otherwise in violation of the student's privacy or other rights;
- (3) Consent to disclosures of personally identifiable information contained in the student's education records, except to the extent that these regulations and the regulations promulgated pursuant to the Family Educational Rights and Privacy Act allow;

- (4) File a complaint with the United States Department of Education under 34 C.F.R. 99.64 concerning alleged failures by the college to comply with the requirements of the act;
- (5) Information concerning the cost to be charged for reproducing copies of the student's records; and
- (6) Obtain a copy of the regulations in this chapter. The notice shall indicate the places where copies of these regulations are located.

Chapter 132D-133 WAC ORGANIZATION

WAC

132D-133-020 Organization—Operation—

Information.

NEW SECTION

WAC 132D-133-020 ORGANIZATION-OP-ERATION—INFORMATION. (1) Organization. Whatcom Community College, Community College District No. 21, is established in Title 28B RCW as a public institution of higher education. The institution is governed by a five-member board of trustees, appointed by the governor. The board employs a president, who acts as the chief executive officer of the institution. The president establishes the structure of the administration.

(2) Operation. The administrative office is located at

the following address:

2405 E. College Way Mount Vernon, WA 98273

The office hours are 8:00 a.m. to 5:00 p.m., Monday through Friday, except legal holidays. Educational operations are also located at the following addresses:

> Whidbey Campus 1201 E. Pioneer Way Oak Harbor, WA 98277

> South Whidbey Campus 5611 S. Bayview Road Langley, WA 98260

San Juan Center P.O. Box 1432 Friday Harbor, WA 98250

(3) Information. Additional and detailed information concerning the educational offerings may be obtained from the catalog, copies of which are available at the following address:

> 2405 E. College Way Mount Vernon, WA 98273

Chapter 132D-400 WAC LOSS OF ELIGIBILITY—STUDENT ATHLETIC **PARTICIPATION**

WAC

132D-400-010 Immediate suspension.

NEW SECTION

WAC 132D-400-010 IMMEDIATE SUSPEN-SION. Student athletes found to have violated chapter 69.41 RCW, Legend drugs-Prescription drugs, shall, upon conviction, be immediately suspended from participation in school-sponsored athletic events by the director of athletics. The period of loss of eligibility to participate will be determined by the director of athletics at the conclusion of a brief adjudicative hearing, to be commenced within twenty days of the suspension.

WSR 90-01-099 WITHDRAWAL OF PROPOSED RULES **DEPARTMENT OF ECOLOGY**

[Filed December 20, 1989, 9:54 a.m.]

Notice is hereby given that the Department of Ecology will not adopt chapters 173-400, 173-405, 173-410, 173-415 and 173-490 WAC, or the repeal of chapter 173-403 WAC as proposed in the WSR 89-23-128.

This notice is given pursuant to WAC 1-21-060. The Department of Ecology will file a new notice to adopt at a later date.

> Fred Olson Deputy Director

WSR 90-01-100 PERMANENT RULES TRANSPORTATION COMMISSION

[Order 69-Filed December 20, 1989, 10:20 a.m.]

Date of Adoption: December 14, 1989.

Purpose: Repeal of WAC 468-58-070, (Ref.: DOT Order 10 and Comm. Order 1, Resolution No. 13; Resolution No. 1720).

Citation of Existing Rules Affected by this Order: Repealing WAC 468-58-070.

Statutory Authority for Adoption: Chapter 34.05 RCW.

Pursuant to notice filed as WSR 89-22-013 on October 23, 1989.

Effective Date of Rule: Thirty-one days after filing. December 14, 1989 Richard Odabashian Chairman

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 468-58-070 STALLED OR DISABLED VEHICLES AS A DANGER TO SAFETY— REMOVAL.

WSR 90-01-101 PROPOSED RULES EMPLOYMENT SECURITY DEPARTMENT

[Filed December 20, 1989, 11:09 a.m.]

Supplemental Notice to WSR 89-17-085.

Title of Rule: Discharge for use of drug and for violation of employer drug abuse policy discharge for violation of employer rules.

Purpose: To clearly define what an employer must establish to demonstrate misconduct connected with the work when an employee is discharged for failure to pass a drug test or when an employee is discharged for violation of employer drug abuse policy.

Other Identifying Information: WAC 192-16-250 is a general rule that applies to any case of employer rule violation.

Statutory Authority for Adoption: RCW 50.12.010 and 50.12.040.

Statute Being Implemented: Interpretation of RCW 50.20.060.

Summary: These rules address the most common circumstances that occur when an employee is discharged for drug use or drug abuse.

Reasons Supporting Proposal: Changes in the workplace and public opinion, as well as changes in drug testing procedures make it necessary to revise departmental policy.

Name of Agency Personnel Responsible for Drafting: W. Dana Behrns and W. Eric Jordan, 212 Maple Park, Olympia, WA 98504, (206) 753-5131; Implementation and Enforcement: Mary Pat Frederick, Deputy Assistant Commissioner, 212 Maple Park, Olympia, WA 98504, (206) 753-5120.

Name of Proponent: Employment Security Department, governmental.

Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: This group of rules will govern determinations of eligibility for unemployment benefits when a worker is discharged for failure of a drug test or for violation of an employer's substance abuse policy.

The rules create a rebuttable presumption of misconduct connected with the work when a worker is discharged for failure of a drug test and the notice, policy, and test procedure meet the requirements of the rules.

The requirements included in the rules are based on standards currently used in business and which provide reasonable protection to the worker.

These rules are a result of further departmental study and public comment received in hearings in Olympia and Yakima. The previously proposed rules have all been modified and renumbered, and new rules have been added to address issues raised in public comment. The rules define what an employer must establish to create a rebuttable presumption of misconduct connected with the work. A summary of the newly proposed rules is: WAC 192-16-250, this rule puts the misconduct test from Macey v. Department of Empl. Sec., 110 Wn.2d 308, 752 P.2d 372, 1988, into rule. Note: This rule is general and has broader application than drug related

discharges; WAC 192-16-300, this rule applies Macey v. Department of Empl. Sec., 110 Wn.2d 308, 752 P.2d 372, 1988, guidelines to discharge for violation of employer's drug abuse policy by on-the-job drug use; WAC 192-16-305, this rule applies the Nelson v. Department of Empl. Sec., 98 Wn.2d 370, 655 P.2d 242, 1982, guidelines to discharge for off-the-job drug use; WAC 192-16-310, outlines when failure of a preemployment drug screening test can result in a discharge for misconduct connected with the work: WAC 192-16-315, outlines when refusal to take a drug test constitutes misconduct connected with the work; WAC 192-16-320, defines reasonable drug policy; WAC 192-16-325, defines adequate notice; WAC 192-16-330, outlines acceptable procedures; WAC 192-16-335, rebuttal of drug test results defined; WAC 192-16-340, applies Macey v. Department of Empl. Sec., 110 Wn.2d 308, 752 P.2d 372, 1988, test to drug test related discharges that do not meet the standards of WAC 192-16-300; and WAC 192-16-345, identifies when failure to complete a drug treatment program is misconduct connected with the work.

Proposal does not change existing rules.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

The proposed rules have a minor or negligible economic impact on business.

The proposed rules are interpretive and do not require any action by business. The rules publicly state the way the department will adjudicate claims that result from workers discharged for failure to pass a drug test or for other violation of an employer's substance abuse policy.

Hearing Location: East Ballroom, Towne Plaza Motor Inn, 607 East Yakima Avenue, Yakima, WA, on Wednesday, January 24, 1990, at 9:00 a.m.; and at 1:00 p.m., Friday, January 26, 1989 [1990], Training Room 2, Employment Security Training Facility, 106 Maple Park, Olympia, WA.

Submit Written Comments to: Wm. Eric Jordan, Rules Coordinator, Employment Security Department, 212 Maple Park, Mailstop KG-11, Olympia, WA 98504, by January 25, 1990.

Date of Intended Adoption: January 31, 1990.

December 20, 1989 Ernest F. LaPalm Deputy Commissioner

NEW SECTION

WAC 192-16-250 INTERPRETIVE RULE — DISCHARGE FOR VIOLATION OF EMPLOYER'S RULE. An employee discharged for violation of an employer's rule will be presumed discharged for misconduct under the following circumstances:

- (1) The employer's rule was reasonable under the circumstances of the employment;
- (2) The conduct of the employee must be connected with the work; and
 - (3) The conduct of the employee must in fact violate the rule.

NEW SECTION

WAC 192-16-300 INTERPRETIVE RULE — MISCONDUCT FOR ON-THE-JOB DRUG ABUSE IN VIOLATION OF THE EMPLOYER'S DRUG ABUSE POLICY. (1) An employee discharged for drug abuse while on-the-job, in violation of an employer's drug abuse policy, will be presumed discharged for misconduct connected with the work:

- (a) If the employer's policy is reasonable as defined in WAC 192-16-320;
- (b) If the employee's violation of the drug abuse policy is connected with the work;
- (c) If the conduct of the employee in fact violated the drug abuse policy; and
- (d) If the employee had adequate notice of the drug abuse policy as defined in WAC 192-16-325.
- (2) If the results of a drug test were involved in detecting or documenting the violation:
 - (a) The requirements of WAC 192-16-330 must be met; and
- (b) The employee must be provided reasonable opportunity for rebuttal as defined in WAC 192-16-335.

NEW SECTION

WAC 192-16-305 INTERPRETIVE RULE — MISCONDUCT FOR OFF-THE-JOB DRUG ABUSE IN VIOLATION OF EMPLOYER'S DRUG ABUSE POLICY. An employee discharged for drug abuse while off-the-job, in violation of an employer's drug abuse policy, will be presumed discharged for misconduct connected with the work if the employer can establish that:

- (1) The employer's drug abuse policy is reasonable as defined in WAC 192-16-320;
- (2) The employee's violation of the drug abuse policy is connected with the work:
- (3) The employee's violation of the drug abuse policy actually resulted in some harm to the employer's interest;
- (4) The conduct of the employee in fact violated the drug policy contracted for between the employer and the employee; and
- (5) The conduct of the employee was done with intent or knowledge that the employer's interest would suffer.

NEW SECTION

WAC 192-16-310 INTERPRETIVE RULE — MISCONDUCT FOR EMPLOYEE'S FAILURE OF A PREEMPLOYMENT SCREENING DRUG TEST. An employee who is hired after taking a preemployment drug screening test, but before the test results are received by the employer, and subsequently discharged when the positive results of the preemployment drug screening test become known, will be presumed to have engaged in misconduct connected with the work if.

- (1) The employee states that s/he is free of drugs at the time of the screening;
- (2) The employee was informed what effect a positive drug test result would have on his/her employment;
- (3) The drug test meets the requirements of WAC 192-16-330;
- (4) The drug screening is part of a reasonable drug policy as defined in WAC 192-16-320; and
- (5) The employee was provided reasonable opportunity for rebuttal as defined in WAC 192-16-335.

NEW SECTION

WAC 192-16-315 INTERPRETIVE RULE — REFUSAL TO TAKE A DRUG TEST. An employee discharged for violation of an employer's drug abuse policy by refusing to take a drug test will be presumed to have engaged in misconduct connected with the work if:

- (1) The employee has been provided adequate notice of a drug test policy as provided in WAC 192-16-325;
- (2) The employer's drug abuse policy is reasonable as defined in WAC 192-16-320;
- (3) The requirement that the employee submit to a drug test is connected with the work; and
- (4) The refusal of the employee to submit to the drug test in fact violates the drug abuse policy.

NEW SECTION

WAC 192-16-320 INTERPRETIVE RULE — EMPLOYER'S REASONABLE DRUG POLICY DEFINED. (1) An employer's drug policy will be presumed reasonable under the circumstances of the employment if:

(a) The policy is established to provide for employee safety, provide security, prevent destruction of property, decrease liability, comply with Federal or State regulations or laws, or otherwise prevent harm to the employer's interest; and

- (b) The employer can establish that the need for testing is connected with the work and the testing is no more intrusive than necessary to prevent harm to the employer's interest. Employers may use testing for cause (including post-accident testing, testing as a result of reasonable suspicion, or testing to verify the cause of impairment), random testing, testing as a part of a regularly scheduled physical examination, preemployment screening, or testing as a follow-up or part of a drug treatment program. For each type of testing, the employer must be able to establish that the type of testing is necessary to prevent harm to the employer's interest.
- (2) An employer's drug policy that prohibits off-the-job use of drugs may be reasonable if the employer can establish that off-the-job drug use has some connection with the employee's work and can result in some harm to the employer's interest.
- (3) If an employer's policy prohibits on-the-job and off-the-job use of drugs, and the off-the-job policy meets the requirements of subsections (1) and (2), then the employer need not establish when or where an employee used drugs, only that testing as defined in 192-16-330 determines that the employee has used drugs.

NEW SECTION

WAC 192-16-325 INTERPRETIVE RULE — ADEQUATE NOTICE OF AN EMPLOYER'S DRUG POLICY DEFINED. An employee will be presumed to have adequate notice of an employer's drug policy or drug test rules if:

- (1) The employee was advised in writing of the drug policy at least thirty days prior to the implementation or modification of the policy;
- (2) The employee has passed a drug test on or after receiving written notice of the drug policy; or
 - (3) At the time of hire and receipt of drug policy:
 - (a) The employee passed a pre-employment drug screening test; or
 - (b) The employee certifies to being drug free.

NEW SECTION

WAC 192-16-330 INTERPRETIVE RULE — DRUG TEST-ING PROCEDURES DEFINED. To establish misconduct connected with the work, after an employee is discharged for violation of an employer's drug abuse policy because of a positive drug test, the employer must show that:

- (1) A chain of custody is provided for test samples; and
- (2) A confirmation test is performed on positive screening results, and the confirmation test is based on a different analytical method of higher specificity; and
- (3) The laboratory conducting the confirmation tests was certified at the time of testing by either the College of American Pathologists or the National Institute on Drug Abuse or by legally authorized State or Federal Agencies.

NEW SECTION

WAC 192-16-335 INTERPRETIVE RULE — REASONABLE OPPORTUNITY FOR REBUTTAL DEFINED. An employee will be presumed to have been provided a reasonable opportunity for rebuttal if the employer or authorized medical officer has discussed the results of the drug test with the employee and provided the employee in writing an opportunity to provide information which s/he considers relevant to the test, including identification of currently or recently used prescription or nonprescription drugs or other relevant information. The use of legally issued prescription drugs, in the manner prescribed, is not misconduct.

NEW SECTION

WAC 192-16-340 INTERPRETIVE RULE — LACK OF DRUG TEST POLICY OR INADEQUATE NOTICE. An employer who fails to meet the requirements of adequate notice of a drug test policy as defined in WAC 192-16-325, or who does not have a policy that meets the requirements of WAC 192-16-320, may still establish misconduct connected with the work on the part of an employee, if the employer can establish that:

- (1) There is a connection between the failure of a drug test and the employee's work;
 - (2) There is some harm to the employer's interest; and
 - (3) The failure of a drug test:
- (a) Violates some code of behavior contracted for between the employer and employee; and

(b) Demonstrates an action done with the knowledge that the employer's interest would suffer.

NEW SECTION

WAC 192-16-345 INTERPRETIVE RULE — DISCHARGE FOR FAILURE TO COMPLETE A DRUG TREATMENT PROGRAM. If an employer/employee agreement permits an employee to retain his/her job, in lieu of discharge for violation of a employer's drug policy, then failure by the employee to complete the program within the terms of the agreement will be presumed misconduct connected with the work.

WSR 90-01-102 PROPOSED RULES EMPLOYMENT SECURITY DEPARTMENT

[Filed December 20, 1989, 11:12 a.m.]

Original Notice.

Title of Rule: Agricultural coverage rules.

Purpose: To clarify exemptions from coverage available to small farms. These clarify interpretations and outline record-keeping requirements.

Statutory Authority for Adoption: RCW 50.12.010 and 50.12.040.

Statute Being Implemented: Chapter 380, Laws of 1989.

Summary: Small farms are required to keep a signed certification of student status for any student exempt from coverage.

Reasons Supporting Proposal: Rules are proposed to clarify coverage exemptions and to clearly define requirements to establish exemptions for students performing agricultural labor for small farms.

Name of Agency Personnel Responsible for Drafting: Thomas LePique, 212 Maple Park, Olympia, WA 98504, (206) 753-5131; Implementation and Enforcement: Howard Nanto, Deputy Assistant Commissioner, 212 Maple Park, Olympia, WA 98504, (206) 753-5120; and Mary Pat Frederick, Deputy Assistant Commissioner, 212 Maple Park, Olympia, WA 98504, (206) 753-5120, is responsible for implementation and enforcement of WAC 192-12-365.

Name of Proponent: Employment Security Department, governmental.

Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: WAC 192-12-050 requires small farms to retain written certification of student status for all students exempt from coverage under RCW 50.04.150; WAC 192-12-350 clarifies inclusion of farm labor contractors and crew leaders in expanded coverage for agricultural labor; WAC 192-12-355 clarifies how coverage is required for students and family members employed in agricultural labor; WAC 192-12-360 clarifies that certain family members of partners on a farm are exempt from coverage as are family members of corporate officers; and WAC 192-12-365 defines suitable work as it applies to agricultural labor.

Proposal Changes the Following Existing Rules: Amends WAC 192-12-050 to include requirement for small farms to keep written certification of student status for students exempt from coverage.

Small Business Economic Impact Statement: The amendment to WAC 192-12-050 establishes a record-keeping requirement that applies only to small farms. This is necessary because only small farms are allowed to exempt students form UI coverage. The rule simply requires that the small farm retain a certification from each exempt student of student status. In exchange for maintaining this record, the small farm employer is allowed to exempt from UI coverage wages paid to students. This can result in a tax savings as great as 5.4% of wages paid to students.

To mitigate the impact on small businesses, the department is not requiring the certification on a specific form, but only requires that a written certification be maintained. This could be a simple form kept by the employer or a roster with a heading that contains the certification with places for each student to sign and record a Social Security number.

If the roster method of retaining certifications is used most exempt farms will be able to meet the recordkeeping requirement with two or three sheets of paper per year.

These certifications will be used with payroll records when audits are performed by agency staff to justify exemptions.

WAC 192-12-350, 192-12-355, 192-12-360 and 192-12-365 are interpretive rules requiring no record keeping and have minimal or negligible economic impact on small business.

Hearing Location: Towne Plaza Motor Inn, East Ballroom, 607 East Yakima Avenue, Yakima, WA, on Wednesday, January 24, 1990, at 2:00 p.m.; and on Monday, January 29, 1990, 1:30 p.m., Training Room #1, Employment Security Training Facility, 106 Maple Park, Olympia, WA; and on Tuesday, January 30, 1990, 1:30 p.m., Hearing Room A, Skagit County Courthouse, 2nd and Kincaid, Mount Vernon, WA. Driving and parking instructions: Take the Kincaid Exit from I-5, west two blocks to Kincaid. Please park on the revetment two blocks west of the courthouse.

Submit Written Comments to: Wm. Eric Jordan, Rules Coordinator, Employment Security Department, 212 Maple Park, Mailstop KG-11, Olympia, WA 98504, by January 25, 1990.

Date of Intended Adoption: January 31, 1990.

December 20, 1989 Ernest F. LaPalm Deputy Commissioner

AMENDATORY SECTION (Amending Order 1-78, filed 8/14/78)

WAC 192-12-050 RECORDS. RCW 50.12.070 provides: "Each employing unit shall keep true and accurate work records, containing such information as the commissioner may prescribe . . ."

RCW 50.12.010 provides: "The commissioner shall administer this title. He or she shall have the power and authority to adopt. amend, or rescind such rules and regulations, . . . as he deems necessary or suitable to that end."

The commissioner accordingly prescribes:

(1) Each person or entity shall preserve existing records with respect to personal services performed for it on and after January 1, 1936. On and after the effective date of this regulation, each such person or entity shall establish and maintain records with respect to each individual

performing services for it, which records shall show the following: (a) The name of each such individual; (b) his or her Social Security account number; (c) the days and weeks during which each such individual performed services for said person or entity; (d) hours spent in employment and in nonsubject work with respect to any pay period; (e) the amount of wages or remuneration paid or payable to such individual on account of such services, said amounts to be segregated in such records into cash payment and payments in media other than cash; (f) the location at which such services were performed; (g) the date upon which each such individual was engaged or reengaged to perform services or returned to work after a temporary layoff; (h) the date when any individual's name was removed from the payroll; (i) in the case of any individual whose separation from work was due to discharge, the cause of such discharge, or if his or her work was terminated by quit, the cause of such quit if known to such person or entity; ((and)) (j) in the case of a farm operator contracting with a crew leader or a farm labor contractor, the name of the crew leader or farm labor contractor, the inclusive dates of the contract, the types of services performed, and the number of persons performing such services((=)); and (k) in the case of students exempt under RCW 50.04.150, written certification by the worker acknowledging his or her status as a student during the period of employment.

A student for agricultural purposes, is defined as an individual who is enrolled and regularly attending classes, or is between two successive academic years or terms, at an elementary school, a secondary school, or an institution of higher education which normally maintains a regular faculty and curriculum and normally has a regularly organized body of students in attendance at the place where its educational activities are carried on. The student's course of study must be taken for credit at such institution.

(2) Records relating to services performed in employment shall be maintained and preserved for not less than four years subsequent to the date contributions have been paid in respect thereto. Records relating to services not performed in employment shall be preserved and maintained for not less than four years subsequent to the calendar year in which the remuneration for such services was paid.

Reviser's note: RCW 34.05.395 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

NEW SECTION

WAC 192-12-350 INTERPRETIVE REGULATION—IN-CLUSION OF FARM LABOR CONTRACTOR. As defined in RCW 50.04.150(1), agricultural labor performed on a farm, in the employ of any person includes labor performed for a farm labor contractor or a crew leader.

NEW SECTION

WAC 192-12-355 INTERPRETIVE REGULATION—CLAR-IFICATION OF AGRICULTURAL LIABILITY. A student or immediate family member, otherwise exempt under RCW 50.04.150, shall be deemed to be in covered employment from January 1 of any year that his or her employer meets or exceeds the levels of remuneration or employment set forth in RCW 50.04.155. Such student or immediate family member will remain in covered employment until his or her employer is free of the provisions of RCW 50.04.155.

Penalties and interest will not be charged for any calendar quarters that are prior to the quarter the employer met the aforementioned levels of remuneration or employment: Provided, That all taxes due for those prior quarters are paid before the taxes become delinquent for the quarter in which one or more of the levels are first met, except for good cause shown.

NEW SECTION

WAC 192-12-360 INTERPRETIVE REGULATION—IN-CLUSION OF IMMEDIATE FAMILY MEMBERS OF PART-NERS. The exemption in RCW 50.04.150 for family employment on corporate farms includes family employment of the partners in a partnership as well as family employment of corporate officers.

NEW SECTION

WAC 192-12-365 INTERPRETIVE REGULATION—DEFINITION OF SUITABLE WORK AS IT APPLIES TO AGRICULTURAL LABOR. RCW 50.20.100 requires that:

". . . . for individuals with base year work experience in agricultural labor, any agricultural labor available from any employer shall be deemed suitable unless it meets the conditions in RCW 50.20.110 or the commissioner finds elements of specific work opportunity unsuitable for a particular individual."

For the purposes of determining the suitability of agricultural labor, the commissioner may consider the degree of risk involved to the individual's health, safety, and morals, the individual's physical fitness, the individual's skill level, the individual's length of unemployment and prospects for securing local work in the individual's customary occupation, the distance of the available work from the individual's residence, and such other factors that are pertinent to the individual's capacity to perform the work.

As it applies to suitable work, the department will use the definition of agricultural labor in RCW 50.04.150.

WSR 90-01-103 PROPOSED RULES BOARD OF MEDICAL EXAMINERS

[Filed December 20, 1989, 11:28 a.m.]

Original Notice.

Title of Rule: WAC 308-52-100 Application for examination.

Purpose: To set deadlines for medical licensure examination application.

Statutory Authority for Adoption: RCW 18.71.017.

Statute Being Implemented: RCW 18.71.070.

Summary: This rule sets the deadlines for applicants to complete and file applications for the medical license examination.

Reasons Supporting Proposal: The deadline is necessary to provide sufficient time to process the application.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Patti Rathbun, 1300 Quince Street, Olympia, (206) 753-2205.

Name of Proponent: Washington State Medical Examining Board, governmental.

Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: See above.

Proposal Changes the Following Existing Rules: The deadlines are changed from August 1 to September 1 and from February 1 to March 1.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

Hearing Location: West Coast Sea-Tac Cascade Room, 18220 Pacific Highway South, Seattle, WA, on January 26, 1990, at 9:30 a.m.

Submit Written Comments to: Patti Rathbun, 1300 Quince Street, Olympia, WA 98504, by January 25, 1990.

Date of Intended Adoption: January 26, 1990.

John H. Keith Board Counsel AMENDATORY SECTION (Amending Order PL 473, filed 7/18/84)

WAC 308-52-100 APPLICATIONS FOR EXAMINATION. All applications for medical license by examination in the state of Washington shall be complete and on file in the office of the board of medical examiners, professional licensing services division, department of ((licensing)) health no later than ((August)) September 1 or ((February)) March 1.

WSR 90-01-104 NOTICE OF PUBLIC MEETINGS DEPARTMENT OF NATURAL RESOURCES (Natural Heritage Advisory Council)

[Memorandum—December 20, 1989]

NOTICE OF MEETINGS FOR THE NATURAL HERITAGE ADVISORY COUNCIL

1990

During 1990 the Natural Heritage Advisory Council will meet on the following dates:

January 10, 1990 9:30 a.m. to 5:00 p.m. Tyee Hotel, Coho A Room 500 Tyee Drive Tumwater, WA

April 23, 1990 9:30 a.m. to 5:00 p.m. Security Pacific Bank Meeting Room 73 N.E. Estes White Salmon, WA

October 5, 1990 9:30 a.m. to 5:00 p.m. The Olympia Center Room 212 222 North Columbia Olympia, WA

Regular council business will include consideration of natural area preserve recommendations and management activities relating to natural area preserves.

For further information contact:

Department of Natural Resources Washington Natural Heritage Program Division of Land and Water Conservation Mailstop EX-13 Olympia, Washington 98504 (206) 753-2449

WSR 90-01-105 PROPOSED RULES WASHINGTON STATE UNIVERSITY

[Filed December 20, 1989, 1:32 p.m.]

Original Notice.

Title of Rule: Chapter 504-15 WAC, Campus traffic and parking regulations.

Purpose: These rules are adopted to change parking regulations for Washington State University Pullman campus. These rules replace chapter 504–17 WAC.

Statutory Authority for Adoption: RCW 28B.30.125, 28B.30.150, 28B.10.560 and chapter 34.05 RCW.

Statute Being Implemented: RCW 28B.10.648.

Summary: These campus traffic and parking regulations establish a zone parking system.

Reasons Supporting Proposal: This plan provides an orderly and equitable distribution of parking space after satisfying institutional needs for parking space.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: John Shaheen, Parking Manager, Parking Services, Safety Building, 335–9684.

Name of Proponent: Washington State University, governmental.

Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: These regulations include a new parking system for the Washington State University Pullman campus. The zone parking system establishes a hierarchy of parking spaces and places a premium on parking space at the center of the campus.

Proposal Changes the Following Existing Rules: The existing regulations identify parking areas with the individual's position in the institution; i.e., a student, an employee, a visitor.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

Hearing Location: Washington State University, Compton Union Building, Rooms 206-216, Pullman, Washington 99164, on January 24, 1990, at 4:00 p.m.

Submit Written Comments to: Lou Ann Pasquan, 232 French Administration Building, Washington State University, Pullman, Washington 99164–1023, by January 24, 1990.

Date of Intended Adoption: February 2, 1990.

December 18, 1989 Lou Ann Pasquan, Director Procedures and Forms

Chapter 504-15 WAC CAMPUS TRAFFIC AND PARKING REGULATIONS

WAC

PART I: INTRODUCTION 504-15-010 Authorization. 504-15-020 Purposes of regulations. 504-15-030 Knowledge of parking regulations. 504-15-040 Applicable parking and traffic laws and regulations. Emergencies. 504-15-050 504-15-060 Advisory and governing bodies. 504-15-080 Severability. 504-15-100 Definitions. PART II: ENFORCEMENT 504-15-200 Enforcement authority. 504-15-210 Times of enforcement. 504-15-220 Signed and marked areas. Motorcycles, mopeds, and bicycles. 504-15-250 504-15-300 Responsibility for citations. 504-15-350 Use of areas for emergency, maintenance, or special needs. Liability. 504-15-360

504-15-410 Issuance and use of permits. 504-15-420 Consent to withholding of fines. 504-15-430 Change in residence or license plates. 504-15-440 Term of permit-Transfer of permit. 504-15-450 Replacement permits, indicators, and gate cards. 504-15-460 False information. 504-15-470 Recall of permits and gate cards. 504-15-510 Permits-General. 504-15-520 Permits-Form and display. 504-15-540 Zone permits-Availability and use. 504-15-560 Other permits-Availability and use. 504-15-580 Special indicator decals/hangers. 504-15-600 Handicapped permits. 504-15-650 Permit fees. 504-15-750 WSU/Ul reciprocal agreement. PART IV: FINES, SANCTIONS, AND APPEALS Violations, fines, and sanctions. 504-15-810 504-15-830 Other violations and sanctions. 504-15-860 Appeals procedure. PART V: TRAFFIC RULES 504-15-900 Speed limits. 504-15-920 Closed and restricted areas. 504-15-940 Pedestrians.

PART III: PARKING PERMITS

PART I: INTRODUCTION

NEW SECTION

WAC 504-15-010 AUTHORIZATION. Pursuant to the authority granted by RCW 28B.30.125, 28B.30.150, 28B.10.560, and chapter 34.05 RCW, the board of regents of Washington State University establishes the following regulations to govern parking and traffic on campus.

NEW SECTION

WAC 504-15-020 PURPOSES OF REGULATIONS. The purposes of these regulations are to:

- (1) Expedite university business and provide maximum safety and convenience;
 - (2) Regulate parking, with priority given to:
 - (a) Services of the university;
- (b) Persons who need vehicles in connection with their work; and
- (c) Staff and students who need private vehicles because of a disability or other approved reason; and
- (3) Provide and maintain suitable campus parking and traffic facilities.

NEW SECTION

WAC 504-15-030 KNOWLEDGE OF PARKING REGULATIONS. It is the responsibility of all individuals parking on the campus to read and fully understand these regulations. Lack of knowledge of these regulations will not be accepted as grounds for dismissal of citations.

NEW SECTION

WAC 504-15-040 APPLICABLE PARKING AND TRAFFIC LAWS AND REGULATIONS. The following regulations apply upon state lands owned and/or controlled by Washington State University—Pullman:

- (1) The motor vehicle and other traffic laws of the state of Washington (Revised Code of Washington);
- (2) The Washington State University parking and traffic regulations.

NEW SECTION

WAC 504-15-050 EMERGENCIES. The president of Washington State University shall have authority to suspend, modify, or repeal any or all provisions in this chapter in the event of an emergency, disaster, or other like contingency. Such action shall be limited in duration and scope to meet the dangers of the contingency.

NEW SECTION

WAC 504-15-060 ADVISORY AND GOVERNING BODIES. (1) The traffic control subcommittee of the university planning committee. This faculty senate subcommittee:

- (a) Makes recommendations on regulations governing campus traffic and parking control;
- (b) Reviews the administration and enforcement of parking regulations;
- (c) Makes recommendations for physical improvements in parking facilities;
- (d) Consults, where appropriate, with Pullman authorities on traffic matters; and
- (e) Coordinates campus traffic planning with the work of the university planning committee.
- (2) The parking appeals committee. This presidential standing committee has members representing faculty, staff, and students. The committee:
- (a) Establishes and maintains an appeals procedure for parking violations on campus:
 - (b) Hears appeals as requested and renders decisions; and
- (c) Informs parking services of recurring problems related to the enforcement of parking rules and regulations.
- (3) Washington State University parking and police services. These departments are responsible for the cooperative administration and enforcement of these regulations. This responsibility also involves recommending the installation of appropriate traffic and parking signs, maintaining a registration record system, issuing permits, patrolling the university campus, and keeping a record of the violations, warnings, court summonses, and arrests.

NEW SECTION

WAC 504-15-080 SEVERABILITY. If any provision of this chapter, WAC 504-15, or its application to any person or circumstance is held invalid, the remainder of the chapter or its application to other persons or circumstances is unaffected.

NEW SECTION

WAC 504-15-100 DEFINITIONS. The definitions in this section are applicable within the context of these regulations.

(1) Campus. Describes all property owned, leased, and/or controlled by Washington State University in Pullman which is or may hereafter be dedicated mainly to the educational, research, housing, recreational, parking, or other activities of Washington State University.

(2) Commuter student. Any student who does not live in a residence hall (dormitory). All students living in fraternities, sororities, university housing (other than residence halls), and private housing are considered to be commuter students.

(3) Dormitory. See residence hall.

(4) Gate card. A plastic card that activates the gates controlling access to certain parking areas.

(5) Handicap zone. A parking zone identified with a sign bearing the national handicap symbol that is restricted at all times to use by vehicles bearing a valid WSU handicap parking permit or indicator.

(6) Holiday or university holiday. A day when all university facilities are generally closed (e.g., Thanksgiving Day, Christmas Day, New Year's Day). Vacation days are not considered holidays. See definition of vacation.

- (7) Housing area. Housing units or apartments, and their respective parking areas, that are owned by the university, but are not included as residence halls.
- (8) Illegal use of permit. A parking violation in which a citation is issued under the following circumstances:
 - (a) Use of a legal permit/indicator on the wrong vehicle.
 - (b) Use of a counterfeit permit/indicator.
 - (c) Use of a permit/indicator obtained under false pretenses.
 - (d) Use of a modified permit/indicator.
- (e) Use and/or retention of a resident priority permit/indicator by an unauthorized person.
- (f) Use of a visitor permit by a person who is not a visitor. See definition of visitor.
- (g) Use of a University of Idaho parking permit by WSU faculty, staff, or students.
- (9) Indicator. A decal displayed adjacent to a parking permit which more clearly defines the parking areas available to a permit holder.

- (10) Loading zone. A loading dock, or an area signed "loading zone" adjacent to a facility, in a parking area, or near a residence hall. Such an area is intended for loading and unloading bulky or voluminous material. Loading zones are restricted at all times.
- (11) Moped. Any two-wheeled or three-wheeled motor vehicle with an engine displacement of 50 cc or less.
- (12) Motorcycle. Any two-wheeled or three-wheeled motor vehicle with an engine displacement greater than 50 cc.
- (13) Motor vehicle. All motor-driven conveyances except wheelchairs.
- (14) No parking zone. Any area not specifically marked and/or signed for parking. Such areas include, but are not limited to areas with adjacent curbs or rails painted yellow or red.
- (15) Park/parking. This refers to the placement or standing of a vehicle, with or without a driver in attendance, and with or without the engine running.
- (16) Parking permit. A vinyl, plastic, or paper instrument sanctioned by parking services that is displayed from a vehicle, and authorizes parking in specified areas.
 - (17) Resident student. A student living in a residence hall.
- (18) Residence hall. The following living units are considered residence halls: Streit Hall, Perham Hall, Regents Hall, Scott Hall, Coman Hall, Wilmer Hall, Davis Hall, Duncan-Dunn Hall, Community Hall, Stevens Hall, McCroskey Hall, Gannon Hall, Goldsworthy Hall, McEachern Hall, Orton Hall, Rogers Hall, Stephenson Hall, Stinson Hall, and Waller Hall.
- (19) Service vehicle. A vehicle used to provide a service for the university or a tenant or contractor of the university (e.g., a university-owned vehicle or a privately-owned vehicle with a valid service permit displayed).
- (20) Service zone. Parking spaces designated for the use of university vehicles, other government—owned vehicles, and vehicles displaying a service indicator or commercial permit. Authorized vehicles may park in these zones for a maximum of fifteen minutes, except for vehicles that display a commercial permit, or a service indicator issued for an extended time. Service zones are restricted at all times.
- (21) Resident priority zone. A parking area close to a residence hall. Parking in these areas is assigned to resident students by residence life personnel, and/or residence hall officers.
- (22) Staff. For the purposes of these regulations, "staff" includes all faculty, classified staff, administrative and professional employees, temporary employees, and other support personnel employed by the university, and the personnel of other activities located on campus. Teaching assistants, research assistants, and other students employed by the university are not "staff."
- (23) Student. Any person who has been admitted to the university, and who is either attending classes, or actively pursuing a degree or certificate.
- (24) Summer session. The summer session includes all summer school sessions beginning on the first day of the earliest session, and ending on the last day of the latest session.
 - (25) University holiday. See holiday.
- (26) Vacation. A period of time when classes or final exams are not in session. Except for holidays that fall within this period, the business offices of the university are open during this time.
 - (27) Vehicle. See motor vehicle.
- (28) Visitors. Persons who are not staff or students and who only visit the campus on an occasional basis.
- (29) Wheel lock. A device used to temporarily immobilize a vehicle (i.e., on-the-spot impoundment).

PART II: ENFORCEMENT

NEW SECTION

WAC 504-15-200 ENFORCEMENT AUTHORITY. Parking services is charged with the impartial enforcement of these regulations. Enforcement personnel have authority to issue parking citations, to impound vehicles, and to control access to areas.

NEW SECTION

- WAC 504-15-210 TIMES OF ENFORCEMENT. Parking regulations are subject to enforcement at all times.
- (1) Permit areas: All parking zones are limited to authorized permit holders during specific hours. These hours are posted in each parking

- zone either at the entrance to parking areas, or along roadways where parking is marked. Restricted spaces are enforced at all times. See subsection (4) of this section, Special conditions.
- (2) Restricted spaces: These spaces are restricted for their designated purpose at all times (twenty-four hours a day, seven days a week):
 - (a) Handicapped.
 - (b) Gray zones (resident priority areas).
 - (c) Load/unload.
 - (d) Service.
 - (e) Reserved.
 - (f) Reserved (bagged) meters.
 - (g) Specially signed areas.
- (3) Metered spaces: Parking meters are in effect during the times posted on each meter. During these times the meter must be paid the posted amount. Additional time cannot be purchased beyond the meter's posted time limit (e.g., a two-hour meter will allow a maximum of two hours to be purchased at one time).
- (4) Special conditions: The parking regulations are enforced every day, twenty-four hours a day. However, during the following periods special conditions exist, and the regulations are modified.
- (a) During the following times, permits are not required in blue and gray zones:
- (i) At the start of each semester from Monday of registration week through the sixth day of class.
 - (ii) During vacation periods and between semesters.
 - (iii) During finals week.
- (b) During the summer session, gray zones are open to all valid WSU parking permits, except housing permits.
- (c) During the following times, housing permits are not required in housing areas:
- (i) At the start of each semester from Monday of registration week through the sixth day of class.
 - (ii) During finals week.
- (d) During the period when the university is officially on summer business hours, all metered spaces and permit areas which are not restricted will be open parking after 4:00 p.m. This period varies from year to year, and does not include periods when individual departments change their business hours outside the university's official summer business hours.

NEW SECTION

- WAC 504-15-220 SIGNED AND MARKED AREAS. (1) Parking on campus is permitted only in the marked and/or signed spaces in areas and on streets. All other areas outside these designated areas are "no parking zones." Each parking area has signs or markings to indicate the type of permit or permits required, and the times they are required.
- (2) Individual parking spaces are marked, and no vehicle may be parked so as to occupy any portion of more than one parking space. The fact that other vehicles were parked in a manner requiring a vehicle to occupy a portion of more than one space shall not constitute an excuse for a violation of this rule.
- (3) Standing (the stopping of a vehicle with the driver remaining in it) is permitted in marked parking spaces, except metered spaces and restricted spaces, even though the vehicle does not have a valid parking permit. Double parking while "standing" is not permitted.
- (4) Should there be a conflict between these regulations, map designation, and on-site signs regarding parking instructions, the on-site sign takes precedence.
- (5) Permit areas and restricted spaces are not always signed individually. When there are several permit or restricted spaces together, there may be a sign at the beginning and/or end of the group of spaces.

NEW SECTION

WAC 504-15-250 MOTORCYCLES, MOPEDS, AND BICY-CLES. (1) The general traffic regulations applicable to motor vehicles apply equally to motorcycles, mopeds, and bicycles. Motorcycles or mopeds may not be driven on sidewalks or in the mall area. Bicycles may be used on sidewalks, though pedestrians always have the right of way. Owners of motorcycles and mopeds are responsible for all violations including violations issued even if said vehicle is moved by someone else after being legally parked.

(2) The university classifies mopeds and motorcycles by engine displacement (also referred to as engine size). This definition applies only to parking at the university and does not replace or supersede the definitions established by the state of Washington for licensing or traffic purposes.

- (3) Mopeds: Mopeds may park only in the following locations with a valid moped permit:
- (a) A designated moped parking area marked by signs and/or the letters "MP" on the parking surface.

(b) A bicycle rack unless the rack is signed to exclude mopeds.

Mopeds may not park in marked motorcycle areas.

(4) Motorcycles: Motorcycles may park only in spaces which are marked by signs, or the letter "M" painted on the parking surface. Motorcycles must display a valid WSU motorcycle permit. Motorcycles may not park in designated moped areas at any time.

NEW SECTION

WAC 504-15-300 RESPONSIBILITY FOR CITATIONS. (1) Each permit registrant shall be responsible for parking citations on vehicles:

- (a) Registered with parking services; and/or
- (b) Displaying the registrant's permit.
- (2) Owners of vehicles will be held primarily liable for citations. An assumption is made that any employee or student with the same address as the registered owner was the operator of the vehicle receiving citations, and primary liability will be transferred to that person.

NEW SECTION

WAC 504-15-350 USE OF AREAS FOR EMERGENCY, MAINTENANCE, OR SPECIAL NEEDS. The university reserves the right to close any campus parking area at any time it is deemed necessary for maintenance, safety, or to meet special needs. Parking services will provide notice to users when possible.

Emergency and maintenance personnel performing official duties may deviate from these regulations as required to conduct emergency procedures and/or maintenance activities prescribed by the university.

NEW SECTION

WAC 504-15-360 LIABILITY. The university assumes no responsibility for the care and protection of any vehicle or its contents at any time the vehicle is on university property.

PART III: PARKING PERMITS

NEW SECTION

WAC 504-15-410 ISSUANCE AND USE OF PERMITS. Parking permits are available at parking services, located in the safety building, upon application and the payment of the appropriate fees. The applicant will receive a parking permit and/or indicator which specifies parking area(s) where the vehicle may be parked.

Temporary parking permits may be obtained from police services when the parking services office is closed.

Housing area parking permits are issued by the respective housing offices.

NEW SECTION

WAC 504-15-420 CONSENT TO WITHHOLDING OF FINES. All permit applications shall provide that the university may withhold unpaid fines from any sums owed the permit holder and to treat the same as a debt.

NEW SECTION

WAC 504-15-430 CHANGE IN RESIDENCE OR LICENSE PLATES. Permit holders changing residence or license plates after initial application must contact parking services and complete the necessary forms. Failure to do so may result in continued responsibility for citations issued to the old license plate and a loss of parking privileges.

NEW SECTION

WAC 504-15-440 TERM OF PERMIT—TRANSFER OF PERMIT. Permits are valid up to and including the expiration date on the permit.

The ownership of permits is generally not transferrable, but exceptions can be made by parking services provided that the:

- (1) Person relinquishing ownership and the purchaser appear in person at parking services when requesting such a transfer;
- (2) Former owner relinquishes all ownership or claim to the permit, and pays all outstanding fines;
 - (3) Purchaser qualifies for ownership of the permit; and
 - (4) New owner completes a new application form for the permit.
- If a replacement permit is requested, the old permit must be removed and presented to parking services to be eligible for a replacement or a refund.

NEW SECTION

WAC 504-15-450 REPLACEMENT PERMITS, INDICAT-ORS, AND GATE CARDS. (1) Sold or traded vehicles. Failure to advise parking services of a sale or trade for registration purposes may result in continued responsibility to the permit holder for citations received on that permit.

The permit holder has responsibility for removing parking permits prior to selling or trading a vehicle. The identifiable remnants of the original permit must be presented to parking services to receive a free replacement. Persons failing to comply with this requirement shall pay the cost of a new permit.

- (2) Lost/stolen permits. Permit holders are responsible for the security of their permits. The theft or loss of a parking permit should be reported to parking services immediately upon discovery. A stolen permit will be replaced once at no cost, but only if a theft report of the permit has been filed in the appropriate police jurisdiction. The second time the permit is reported stolen, the replacement fee will be ten dollars; the third time, twenty dollars; and thereafter, the original cost of the stolen permit. A lost permit will be replaced once for ten dollars; the second time, twenty dollars; and thereafter at the original cost of the permit. Lost, or stolen permits must be returned to the parking services office immediately if recovered.
- (3) Windshield replacements. When a permit-bearing windshield is replaced, the permit replacement fee will be waived if proof of replacement is presented.
- (4) Gate card replacement. A lost, stolen, or damaged gate card will be replaced for five dollars.

NEW SECTION

WAC 504-15-460 FALSE INFORMATION. No person shall obtain, attempt to obtain, or use in a manner contrary to these regulations, a modified, stolen, lost, or counterfeit parking permit or a permit issued upon false information. A violation of this section includes giving a false name, address, Social Security number, and/or other information known to be false. It also includes the use of a visitor, conference, and commercial permit by staff or students. Violation of this provision shall constitute the illegal use of a parking permit, and will be subject to citation and fine.

NEW SECTION

WAC 504-15-470 RECALL OF PERMITS AND GATE CARDS. Parking permits are the property of the university and may be recalled by the parking manager when:

- (1) The purpose for which the permit or gate card was issued changes or no longer exists;
- (2) A permit or gate card is used on an unauthorized vehicle or by an unauthorized person;
 - (3) A parking permit application is falsified;
- (4) A counterfeit, modified, lost/stolen permit or gate card is used;
 - (5) The parking fee is unpaid.

NEW SECTION

WAC 504-15-510 PERMITS—GENERAL. The university will issue permits for designated areas of the campus. Any vehicle parked on university property, other than a pay area or metered space must clearly display a current university permit during the posted hours when permits are required.

NEW SECTION

WAC 504-15-520 PERMITS—FORM AND DISPLAY. All permits must be displayed in the approved position on the vehicle with permit numbers visible. Permits not displayed in accordance with the

provisions of this section are not valid, and vehicles displaying them improperly are subject to citation.

(1) Autos and trucks:

(a) Hanging permits, both annual and temporary, must be displayed hanging from the rear-view mirror post.

(b) Transferable cards and affixed decals must be displayed on the front windshield at the lower left corner (driver's side). Decals must be mounted completely by means of their own adhesive (not by tape).

(2) Motorcycles and mopeds: Motorcycle and moped permits must be mounted completely by means of their own adhesive and prominently displayed on the left rear side of the vehicle or on top of the rear tail light.

NEW SECTION

WAC 504-15-540 ZONE PERMITS—AVAILABILITY AND USE. The management and assignment of parking zones is designed to provide a reliable parking space to permit holders. However, uncontrolled access to parking areas and unexpected parking demand make it impossible to guarantee a parking space in a permit holder's assigned zone. Every effort will be taken via surveys and limits on permit sales, to ensure that permit holders are not displaced from their assigned zones. The only exception to this will be that the sale of blue permits will not be limited.

Staff and students are generally assigned to specific parking areas, called zones. Parking zones are color-coded with respect to their price and numbered with respect to the specific parking assignment of each permit holder. Permit holders may park in their assigned zone as reflected by the combination of color and number on their permit and corresponding sign, or they may park in other zones as described below.

- (1) Orange permits: Orange permit holders may park in their numerically assigned orange zone, or in any green, yellow, red, or blue zone. These permits may be available on a temporary basis during the summer session.
- (2) Green permits: Green permit holders may park in their numerically assigned green zone, or in any yellow, red, or blue zone. These permits may be available on a temporary basis during the summer session
- (3) Yellow permits: Yellow permit holders may park in their numerically assigned yellow zone, or in any red or blue zone. These permits may be available on a temporary basis.
- (4) Red permits: Red permit holders may park in any red or blue zones. These permits may be available on a temporary basis.
- (5) Gray permits (resident priority parking): Gray permit holders may park in their numerically assigned gray zone, or in any blue zone. These permits may be available on a temporary basis.
- (6) Blue permits (peripheral parking): Blue permit holders may park in any blue zone. These permits are available on a temporary basis.

NEW SECTION

WAC 504-15-560 OTHER PERMITS—AVAILABILITY AND USE. (1) Visitor permits: Visitor permits are available on an annual or daily basis to visitors of the university. Annual visitor permits are valid in green, yellow, red and blue zones, and parking spaces signed for visitors only. Daily visitor permits may be assigned to specific zones on a space-available basis. If a parking zone is not specified on the permit, it is valid in the same parking areas as an annual visitor permit. Visitor permits are not valid in orange zones, meters, or restricted spaces.

(2) Golden cougar permits: Golden cougar permits are special visitor permits that are issued to retired faculty and staff free of charge. They are issued on an annual basis and are valid in the same areas as annual visitor permits. Faculty and staff who remain regularly employed by the university after formal retirement are not eligible to use a golden cougar permit in lieu of a regular paid permit.

(3) President's associates decals: President's associate decals are issued to eligible members of WSU foundation. They are valid in the same areas as annual visitor permits. However, WSU faculty, staff, and students may not use a president's associates decal in lieu of a paid zone permit.

(4) Conference permits: Conference permits are available to visitors who participate in conferences held on the university campus. They are available on a daily basis only. Conference permits may be assigned to specific zones on a space-available basis. If a parking zone is not specified on the permit, it is valid in the same parking areas as an annual visitor permit. Conference permits are not valid in orange zones, meters, or restricted spaces.

- (5) Motorcycle permits: Motorcycle permits are valid within boundaries of areas specifically posted and/or marked for motorcycle permits. Motorcycle permits are available on an annual basis.
- (6) Moped permits: Moped permits are valid within boundaries of areas specifically posted and/or marked for moped permits. Moped permits are available on an annual basis.
- (7) Commercial permits: Commercial permits are issued to vendors, suppliers, service representatives of outside companies performing a service for the university. Commercial permits are available on an annual or daily basis. Annual commercial permits are valid in service zones, and green, yellow, red and blue zones, and parking spaces signed for visitors only. Daily commercial permits may be assigned to specific zones on a space—available basis. If a parking zone is not specified on the permit, it is valid in the same parking areas as an annual commercial permit. Commercial permits are not valid in orange zones, meters, or other restricted spaces.
- (8) Construction permits: A construction permit is issued to personnel who are working on a construction or remodel site on campus. Construction permits are available on a temporary basis only, and are assigned to a specific parking area.

NEW SECTION

WAC 504-15-580 SPECIAL INDICATOR DECALS/HANG-ERS. Special indicator decals or hangers may be issued to staff and student permit holders in the following cases:

(1) Service indicator decals/hangers which are valid for a maximum of fifteen minutes in a marked service zone. These are available to staff or students who must use a private vehicle for university business. They are issued on an annual or daily basis after the approval of the parking manager or his/her designee.

(2) Resident priority indicator decals/hangers which are valid for a specific parking area within the gray parking zones. These are issued to eligible resident students who have been assigned to priority parking.

- (3) Night parking indicator decals/hangers which are valid in parking zones up to thirty minutes after the permit times begin, and thirty minutes before the permit times end. For example, if permits are required in a parking zone from 7:00 a.m. to 5:00 p.m., the night parking indicator is valid in that zone from 4:30 p.m. until 7:30 a.m. Night parking indicators are not valid at any time in gray zones, meter spaces, restricted spaces, or parking zones that require a parking permit at all times.
- (4) Reserved parking indicator decals/hangers which are valid in parking spaces that are signed for the corresponding permit and indicator.

NEW SECTION

WAC 504-15-600 HANDICAPPED PERMITS. The university and parking services strongly supports the provision of designated handicapped parking spaces at a reasonable proximity to campus buildings for people of disability.

There are two types of handicapped permits:

- (1) Permanent physical disability. An annual handicap permit is available to permanently disabled university employees and students at the established fee. Holders of annual permits may park in orange, green, yellow, red, and blue zones, meter spaces, and for unlimited periods of time in parking zones with time limitations. They may not park in gray zones, service zones, or reserved spaces. The fee for an annual handicap permit is equal to the blue zone fee.
- (2) Temporary physical disability. Temporary handicap permits will be issued to temporarily disabled staff and students for a maximum of six weeks, although they may be renewed. Holders may park in assigned areas as determined by parking services.

Employees and students must obtain a temporary disability form from parking services. Temporary parking privileges will be granted only after submission of the form that shows the applicant meets established physical limitations. The form must be completed by a health care provider. Parking services will not accept substitute forms or letters.

NEW SECTION

WAC 504-15-650 PERMIT FEES. (1) Schedules for parking fees, parking administrative fees, meter rates, prorate and refund schedules, and the effective date thereof will be submitted to the president or his/her designee and to the board of regents for approval by

motion and will thereafter be proofed in the public area of the parking services office, and filed with the university rules coordinator.

- (2) Handicap permits will be issued free of charge to those who have their vehicle identified with a state disability license plate or other indicator.
- (3) Payments: Fees may be paid at parking services by cash, check, or money order. A payroll deduction plan is available for permanent university employees and eligible graduate students during the fall semester only.
- (4) The annual fee for any shorter period relative to all permits shall be prorated.
- (5) The proper fee must be paid for all vehicles parked in metered areas unless otherwise authorized.
- (6) Staff members whose work schedules qualify them for night time differential pay may purchase a permit for one-half the regular fee. Verification will be required.
- (7) Refunds: Annual permits being relinquished may be returned to parking services for a prorata refund. Identifiable remnants of the permit must be returned. Provision of the permit holder's copy of the permit receipt will facilitate the refund process. A minimum ten-dollar service charge will be retained by parking services. Further, the balance of any fees and fines owed parking services will be deducted from any refund due. No refunds will be granted after 5:00 p.m. Friday of the third week of the spring semester. Refunds for temporary permits will not be granted.

NEW SECTION

- WAC 504-15-750 WSU/UI RECIPROCAL AGREEMENT. (1) Purpose: Washington State University and the University of Idaho have developed a cooperative parking agreement for the purpose of enhancing the accessibility to either campus for faculty, staff, and students participating in cooperative programs. Selected parking permits from each university have been deemed valid in specific parking areas.
- (2) University of Idaho permit holders at WSU: The following applies to University of Idaho permit holders who wish to park at Washington State University:
 - (a) UI gold permits are valid in WSU yellow, red, and blue zones.
 - (b) UI red permits are valid in WSU red and blue zones.
 - (c) UI blue permits are valid in WSU blue zones.
- (d) UI green permits (housing, visitor permits, or commercial permits) are not valid at Washington State University.
- (e) UI parking permits are not valid in WSU orange zones, gray zones, or housing areas.
- (f) Annual or temporary permits may be available for other parking areas on a space-available basis, and for an additional fee.
- (3) WSU faculty, staff, and students assigned to or enrolled at Washington State University or employees of other activities or agencies located on the Pullman campus must display a WSU parking permit when parking at WSU. Any attempt by the above personnel to use a UI parking permit in lieu of a WSU permit may result in a fifty-dollar fine for illegal use of a parking permit.
- (4) WSU permit holders at UI: The following applies to Washington State University permit holders who wish to park at the University of Idaho. It is provided for information only, and is subject to change by the UI. WSU permit holders are subject to all UI parking and traffic regulations.
- (a) WSU orange, green, and golden cougar permits are valid in UI gold, red, and blue areas.
- (b) WSU red, blue, and gray permits are valid in UI red and blue areas.
- (c) WSU housing permits and visitor permits are not valid at the University of Idaho.

PART IV: FINES, SANCTIONS, AND APPEALS

NEW SECTION

WAC 504-15-810 VIOLATIONS, FINES, AND SANCTIONS. (1) Violations and fines: Parking violations will be processed by the University. Fines must be paid at parking services in the safety building at the following rates:

(a) Meter violation	on	\$ 5.00
(b) Overtime in t	ime zone	\$ 5.00
(c) No parking p	ermit	\$ 15.00
(d) No parking p	ermit for this area	\$ 10.00

(e) No parking zone	\$ 10.00
(f) Improper display	\$ 3.00
(g) Blocking traffic	\$ 15.00
(h) Handicap (disability) zone	\$ 25.00
(i) Fire zone	\$ 25.00
(j) Parking in reserved area	\$ 25.00
(k) Illegal use of permit	\$ 50.00
(I) Display of lost or stolen permit	\$100.00
(m) Wheel lock fee	\$ 35.00
(n) All other parking violations	\$ 10.00

- (2) Reduction of fines: Fines for violations in subsection (1)(a) and (b) of this section paid within twenty-four hours will be reduced by one-half. Eligible violations received on Friday or Saturday can be paid on Monday to satisfy the twenty-four hour requirement. Mailed fines must be postmarked within twenty-four hours to receive the one-half reduction. If a permit holder of record neglects to display his/her permit and receives a notice of violation for No parking permit, (subsection (1)(c) of this section), that fine will be reduced to three dollars when possession of a valid parking permit is verified by the parking services within twenty-four hours.
- (3) Visitors: The first violation of the notices listed in subsection (1)(c) of this section, No parking permit, and subsection (1)(d) of this section, No parking permit for this area, issued to visitors are considered warning notices upon presentation to the parking services office.

NEW SECTION

WAC 504-15-830 OTHER VIOLATIONS AND SANC-TIONS. (1) Late payment of fines: Forty-five days after issuance of a notice of violation a five-dollar charge shall be added to all unpaid parking violations. If a student or staff member fails to pay the fine assessed for any violation, the fine will be referred to the WSU controller's office for collection. The controller may, if other collection efforts fail, deduct outstanding fines from the salary warrants of employees or withhold the amount of the outstanding fines from damage deposits or other funds held for any student in order to secure payment. Where collection efforts are unsuccessful, the controller may notify the registrar to refrain from issuing student transcripts or to withhold permission to reenroll for a subsequent term until outstanding fines are paid. The procedures discussed above are not exclusive, however, and failure by anyone to pay fines may lead to towing or use of the wheel lock device described in these regulations. Nor are the procedures discussed above a precondition to towing or use of the wheel lock.

- (2) Impound by wheel lock or towing:
- (a) Any vehicle with an accumulation of three or more unpaid parking violations, or any vehicle displaying a lost or stolen permit may be temporarily immobilized by use of a wheel lock device placed on a wheel. A thirty-five dollar fee will be assessed on vehicles which are immobilized with a wheel lock.
 - (b) Any vehicle may be towed away if the vehicle:
- (i) Has been immobilized by wheel lock more than twenty-four hours; or
- (ii) Is illegally parked in a marked tow-away zone; or
- (iii) Is a hazard or obstruction to vehicular or pedestrian traffic (including, but not limited to, vehicles parked at curbs or rails painted yellow or red or in crosswalks); or
 - (iv) Cannot be impounded with a wheel lock device.
- (c) The driver and/or owner of a towed vehicle shall pay towing and storage expenses.
- (d) Any vehicle immobilized by use of the wheel lock device in excess of twenty-four hours in a location where towing away is impossible or impractical will be assessed a storage fee of five dollars for each calendar day or portion thereof, beyond the first twenty-four hours.
- (e) The university assumes no responsibility in the event of damages resulting from towing, use of wheel lock devices, storage, or attempts to move a vehicle with a wheel lock device installed.
- (f) No vehicle impounded by towing or wheel lock devices, shall be released until the following fines are paid in cash:
- (i) All unpaid parking violation penalties against said vehicle and any other vehicle registered to the violator;
 - (ii) A thirty-five dollar wheel lock fee;
 - (iii) All towing and storage fees.
- (g) Any vehicle impounded pursuant to these regulations in excess of thirty calendar days shall be considered an abandoned vehicle and shall be disposed of in accordance with chapter 46.55 RCW.

- (h) A person wishing to challenge the validity of any fines or fees imposed under this subsection may appeal such fines or fees as elsewhere provided in these regulations. However, in order to secure release of the vehicle, such person must pay the amount of such fines or fees as a bond which will be refunded to the extent the appeal is successful.
- (i) An accumulation of six unpaid violations during any twelvemonth period, exclusive of meter violations, and overtime in time zone violations, will subject the violator to revocation or denial of parking privileges. Vehicles without permits which accumulate the above number of violations may be prohibited from parking on university property.

(3) Failure to pay fines: Failure to pay a fine or comply with other penalties assessed pursuant to these regulations, after exhausting or failing to exercise appeals provided for in these regulations, constitutes a violation of RCW 28B.10.560. A citation or complaint for such violation may be issued and filed with the district court.

NEW SECTION

WAC 504-15-860 APPEALS PROCEDURE. (1) Purpose: The parking appeals committee serves two primary functions:

(a) To assure an impartial evaluation of the circumstances relating to a particular parking violation; and

(b) To aid in the appraisal of parking and traffic problems.

- (2) Procedure: Any person who has received notice of a parking violation may appeal the alleged violation. The appellant may request more information from parking services. The appeal must be in writing and received at parking services in the safety building within ten days after receipt of notice of the violation. Forms for this purpose are available from parking services. The parking appeals committee will make an initial decision on the appeal within twenty days during the academic year and forty-five days during the summer months after receipt of the appeal. The committee will serve a brief statement of the reasons for its decision on appellant within ten days of the decision.
- (3) Review of initial decision: If the appellant is dissatisfied with the initial decision, he/she may request a hearing before a hearing officer. Such request must be made within ten days of service of the notice of the initial decision. If no such request is received, the initial decision shall be final. During the review hearing the appellant and representatives of parking services may present and cross-examine witnesses. The hearing officer shall render a decision in writing and serve appellant with the decision within five days after the review hearing.
- (4) Appeal to district court: RCW 28B.10.560 provides that a person who is not satisfied with the final decision of the university may appeal to district court. The application for appeal to district court shall be in writing and must be filed at the parking services office in the safety building within ten days after service of written notice of the final decision. Parking services will forward the documents relating to the appeal to the district court.

PART V: TRAFFIC RULES

NEW SECTION

WAC 504-15-900 SPEED LIMITS. Driving on campus roads and streets is permitted at any time, unless otherwise posted or restricted by signs and/or by these regulations. The maximum speed limit unless otherwise posted is twenty-five miles per hour.

NEW SECTION

WAC 504-15-920 CLOSED AND RESTRICTED AREAS. In certain designated areas on campus, such as the mall in the campus core, driving is restricted to mall service vehicles and vehicles bearing handicap permits.

NEW SECTION

WAC 504-15-940 PEDESTRIANS. (1) When traffic control signals are in place at intersections, pedestrians shall be subject to them.

(2) When traffic control signals are not in place or not in operation at pedestrian crossings, a vehicle must yield the right of way, by slowing down or stopping, when the pedestrian in the crossing is upon the same half of the roadway as the vehicle, or when the pedestrian is approaching so closely from the opposite half of the roadway as to be in danger.

- (3) No pedestrian shall suddenly leave a curb or other place of safety and walk or run into the path of a vehicle which is so close that it is impossible for the driver to yield.
- (4) Pedestrians who are between adjacent intersections at which traffic control signals are in operation must not cross at any place except in a marked crosswalk.

REPEALER

The following chapter of the Washington Administrative Code is repealed:

WAC 504-17-010 AUTHORIZATION. WAC 504-17-020 **PURPOSES OF REGULATIONS** APPLICABLE PARKING AND TRAFFIC WAC 504-17-030 REGULATIONS. WAC 504-17-040 DEFINITIONS. WAC 504-17-050 WAC 504-17-060 EMERGENCIES. SPEED LIMITS. CLOSED AND RESTRICTED AREAS. WAC 504-17-070 WAC 504-17-080 WAC 504-17-090 PEDESTRIANS. MOTORCYCLES, MOPEDS AND BICYCLES. WAC 504-17-100 WAC 504-17-110 PARKING. SPECIAL CONDITIONS. WAC 504-17-120 PARKING AREAS. PARKING PERMITS-GENERAL WAC 504-17-130 INFORMATION. WAC 504-17-140 PARKING PERMITS-STAFF. WAC 504-17-150 WAC 504-17-160 PARKING PERMITS-STUDENTS. PARKING PERMITS—VISITORS. PARKING PERMITS—CONTRACTORS. PARKING PERMITS—MOTORCYCLES. WAC 504-17-170 WAC 504-17-180 WAC 504-17-185 PARKING PERMIT FEES. WAC 504-17-195 WSU/UI RECIPROCAL PARKING AGREEMENT. WAC 504-17-200 ADMINISTRATION. WAC 504-17-215 RESPONSIBLE PERSONS. ENFORCEMENT—FINES.
ENFORCEMENT—ACCUMULATED VIO-WAC 504-17-220 WAC 504-17-235 LATIONS, WHEEL LOCK, WHEEL LOCK FEES, TOWING. WAC 504-17-240 APPEALS PROCEDURE. WAC 504-17-250 FAILURE TO PAY FINES WAC 504-17-900 REPEAL AND SAVINGS. **SEVERABILITY** WAC 504-17-910 WAC 504-17-930 EFFECTIVE DATE.

WSR 90-01-106 PROPOSED RULES DEPARTMENT OF PERSONNEL (Personnel Board)

(reisonner board)

[Filed December 20, 1989, 1:40 p.m.]

Continuance of WSR 89-22-112.

Title of Rule: WAC 356-30-45, Project employment; 356-30-180, Transfer requiring relocation of position with incumbent domiciliary movement; 356-30-190, Transfer—Within class—Agency—Permitted—Report; 356-30-280, Probationary period—Transfer, intraagency appointment to higher class; and 356-30-320, Trial service—Reversion status.

Purpose: These rules within chapter 356-30 WAC pertain to employee rights relating to transfers within projects, relocation, within the same class, probationary period and trial service periods.

Statutory Authority for Adoption: RCW 41.06.040. Statute Being Implemented: RCW 41.06.150.

Summary: In general, these proposals are housekeeping in nature and clarify the intent of the rule and also provide for uniform transfer rights to employees. This

will allow employees to transfer within different status after having completed six months of their probationary periods.

Reasons Supporting Proposal: Department of Social and Health Services has several classes with 12-month probationary periods. It would be advantageous to the employee and the department to allow transfers after completion of six months of the probationary period. This is also consistent with the timeframes surrounding promotional eligibility under merit system rules.

Name of Agency Personnel Responsible for Drafting: Paul Peterson, 521 Capitol Way South, Olympia, 586– 1769; Implementation and Enforcement: Department of Personnel.

Name of Proponent: Bonni Parker, Department of Social and Health Services, OB-13, 753-5184, governmental.

Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: This proposal will make transfers consistent with the timeframes surrounding promotional eligibility under current WAC's. It will provide uniform transfer rights to employees in project employment, relocating of positions with incumbent, within the same class, within a probationary period and for reversion of employees who fail to satisfactorily complete the trial service period. These proposals are also in part clarifying in nature to emphasize the intent of the rule.

Proposal does not change existing rules.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

Hearing Location: Department of Personnel, 521 Capitol Way South, Olympia, WA, on January 11, 1990, at 10:00 a.m.

Submit Written Comments to: Paul Peterson, Department of Personnel, P.O. Box 1789, Olympia, Washington, 98507, by January 9, 1990.

Date of Intended Adoption: January 11, 1990.

December 19, 1989 Dee W. Henderson Secretary

WSR 90-01-107 PROPOSED RULES DEPARTMENT OF PERSONNEL (Personnel Board)

[Filed December 20, 1989, 1:41 p.m.]

Continuance of WSR 89-22-113.

Title of Rule: Amending WAC 356-14-240, Overtime compensation method.

Purpose: This rule provides guidelines of methods for overtime and how employees shall be compensated.

Statutory Authority for Adoption: RCW 41.06.040.

Statute Being Implemented: RCW 41.06.150.

Summary: This proposal is to correct the last filing on this rule when it was amended in 1987.

Reasons Supporting Proposal: When the amendment was done to this rule it was filed and a portion of the

rule was inadvertently left off the filing. This proposal will correct that error.

Name of Agency Personnel Responsible for Drafting: Paul Peterson, 521 Capitol Way South, Olympia, 586–1769; Implementation and Enforcement: Department of Personnel.

Name of Proponent: Paul Peterson, Department of Personnel, 521 Capitol Way South, Olympia, WA, governmental.

Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: The purpose of this rule is the methods for state employees on how they shall be compensated for overtime. When this rule was amended in 1987 some of the rule was inadvertently left off of the filing to the code reviser. This proposal will correct that error.

Proposal does not change existing rules.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

Hearing Location: Department of Personnel, 521 Capitol Way South, Olympia, WA, on February 8, 1990, at 10:00 a.m.

Submit Written Comments to: Paul Peterson, Department of Personnel, P.O. Box 1789, Olympia, Washington, by February 6, 1990.

Date of Intended Adoption: February 8, 1990.

December 19, 1989 Dee W. Henderson Secretary

WSR 90-01-108 PROPOSED RULES DEPARTMENT OF PERSONNEL (Personnel Board)

[Filed December 20, 1989, 1:42 p.m.]

Continuance of WSR 89-22-114.

Title of Rule: Amending WAC 356-07-030, Description and location of departmental organization.

Purpose: This rule gives a general description of the department and their locations.

Statutory Authority for Adoption: RCW 41.06.040.

Statute Being Implemented: RCW 41.06.150.

Summary: This proposed change is housekeeping in nature only.

Reasons Supporting Proposal: The department in the last year has had many location changes. This proposal only changes the addresses of particular divisions within the department.

Name of Agency Personnel Responsible for Drafting: Paul Peterson, 521 Capitol Way South, Olympia, 586–1769; Implementation and Enforcement: Department of Personnel.

Name of Proponent: Paul Peterson, Department of Personnel, 521 Capitol Way South, Olympia, WA 98507, governmental.

Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: This rule outlines, in general, the separate divisions of the Department of Personnel and its locations. Since some [of] the divisions of the department have relocated within the last year we have proposed revisions to this rule to specify the new addresses of the divisions. These are housekeeping changes only.

Proposal does not change existing rules.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

Hearing Location: Department of Personnel, 521 Capitol Way South, Olympia, WA, on January 11, 1990, at 10:00 a.m.

Submit Written Comments to: Paul Peterson, Department of Personnel, P.O. Box 1789, Olympia, Washington, by January 9, 1990.

Date of Intended Adoption: January 11, 1990.

December 19, 1989 Dee W. Henderson Secretary

WSR 90-01-109 PERMANENT RULES DEPARTMENT OF PERSONNEL (Personnel Board)

[Order 328—Filed December 20, 1989, 1:45 p.m.]

Date of Adoption: December 14, 1989.

Purpose: This rule specifies the regulations of political activity for a state employee.

Citation of Existing Rules Affected by this Order: Amending WAC 356-46-010 Political activity—Regulations.

Statutory Authority for Adoption: RCW 41.06.040 and 41.06.150.

Pursuant to notice filed as WSR 89-22-115 on November 1, 1989.

Effective Date of Rule: February 1, 1990.

December 18, 1989 Dee W. Henderson Secretary

AMENDATORY SECTION (Amending Order 179, filed 12/22/82)

WAC 356-46-010 POLITICAL ACTIVITY—REGULATIONS. (1) Solicitation for or payment to any partisan, political organization or for any partisan, political purpose ((of)) or any compulsory assessment or involuntary contribution is prohibited: PROVIDED, HOWEVER, That officers of employee organizations shall not be prohibited from soliciting dues or contributions from members of their organization. No person shall solicit on state property any contribution to be used for partisan, political purposes.

(2) Employees shall have the right to vote and to express their opinions on all political subjects and candidates and to hold any political party office or participate in the management of a partisan, political campaign. Nothing in this section shall prohibit an employee from

participating fully in campaigns relating to constitutional amendments, referendums, initiatives, and issues of a similar character, and for nonpartisan offices.

- (3) A classified civil service employee shall not hold a part-time public office in a political subdivision of the state when the holding of such office is incompatible with, or substantially interferes with, the discharge of official duties in state employment as determined by the appointing authority.
- (4) The rules and regulations of the United States Office of Personnel Management which pertain to political activities may apply to some employees. Persons engaged in federal loans or grants-in-aid programs should inquire about their own situations and contemplated activities.

WSR 90-01-110 PERMANENT RULES DEPARTMENT OF PERSONNEL (Personnel Board)

[Order 329-Filed December 20, 1989, 1:46 p.m.]

Date of Adoption: December 14, 1989.

Purpose: Identifies temporary appointment option if an employee is not certified from the appropriate register following an upward reallocation.

Citation of Existing Rules Affected by this Order: Amending WAC 356-10-050 Employee appointment status—Upward reallocation.

Statutory Authority for Adoption: RCW 41.06.040 and 41.06.150.

Pursuant to notice filed as WSR 89-22-116 on November 1, 1989.

Effective Date of Rule: February 1, 1989 [1990].

December 18, 1989 Dee W. Henderson Secretary

AMENDATORY SECTION (Amending Order 306, filed 8/15/88)

WAC 356-10-050 EMPLOYEE APPOINTMENT STATUS—UPWARD REALLOCATION. Employees in positions which have been reallocated upward are affected as follows:

- (1) Employee must compete and be certified from the appropriate eligible register unless otherwise determined by the director of personnel or designee when the position is reallocated upward based on recent or impending changes in duties and responsibilities. The effective date of an incumbent's appointment status as provided in this subsection will be the date when he/she is appointed from a certification. If the employee is appointed from a certification, his/her salary is then adjusted in accordance with the rule governing promotion.
- (2) Employees in positions which have been reallocated upwards based on duties performed of a higher level classification in excess of one year shall retain status in the reallocated position and shall have their salary adjusted in accordance with the rule governing promotion, provided:

- (a) The incumbent meets the minimum or desirable qualifications for the new class; or, the incumbent meets acceptable qualifications as determined by the director of personnel or designee.
 - (b) The employee passes the appropriate examination.
- (3) If the employee is not certified from the appropriate eligible register, transferred, promoted, demoted or otherwise retained in status within ninety days, the provisions governing reduction in force shall apply. This shall not preclude the employee's eligibility for a ((provisional)) temporary appointment under these rules up to thirty days after the register is established. Employees who do not achieve status in a reallocated position shall be paid for time worked in the higher class based on the rule governing promotion (up to a maximum of three years).
- (4) The employee retains existing appointment status when the position is reallocated based on a revision of a class series, a class series study, or an agency-wide or major subdivision-wide classification review planned, conducted, or authorized by the department of personnel in advance of personnel board action (if any), when the reallocation involves no change in duties or responsibilities. The employee's salary then is adjusted to the same step in the new range as held in the present range.
- (a) An employee in an underfill status will maintain that status.
- (b) Subsection (1) or (2) of this section apply when a change in duties, responsibilities, or organization coincides with a revision of a class series.
- (5) The director of personnel or designee may approve the retention of status without examination for an incumbent in a reallocated position when it is evident that the reallocation is, in effect, the correction of a long-term inequity. The employee's salary is adjusted in accordance with the rule governing promotion. The application of this subsection shall not be denied in those cases where the employee has performed duties at a higher class for three continuous years or more.
- (6) In reallocations determined by the department of personnel's director or designee the effective date of an incumbent's appointment status as provided for in subsection (2) or (5) of this section will be the earliest date that a copy of the classification questionnaire, either submitted directly by the incumbent or by the agency, is received by the department of personnel. Receipt of such classification questionnaires shall be acknowledged by the department of personnel if the submitting party includes a self-addressed stamped envelope with the copy of the classification questionnaire furnished the department of personnel.

For positions reallocated by agencies under their delegated allocation authority, the effective date of an incumbent's appointment status as provided for in subsection (2) or (5) of this section will be the earliest date that a copy of the classification questionnaire is received by the agency's personnel office or by the department of personnel.

(7) The department of personnel, the director of personnel, and the state personnel board shall not award additional compensation to an employee for any period

prior to the date on which the classification questionnaire was received by the department of personnel.

WSR 90-01-111 PERMANENT RULES DEPARTMENT OF PERSONNEL (Personnel Board)

[Order 330-Filed December 20, 1989, 1:50 p.m.]

Date of Adoption: December 14, 1989.

Purpose: This rule describes the procedures to be used for suspending a permanent employee without pay.

Citation of Existing Rules Affected by this Order: Amending WAC 356-34-030 Suspension—Duration— Procedure.

Statutory Authority for Adoption: RCW 41.06.040 and 41.06.150.

Pursuant to notice filed as WSR 89-22-111 on November 1, 1989.

Effective Date of Rule: February 1, 1989 [1990].

December 18, 1989 Dee W. Henderson Secretary

AMENDATORY SECTION (Amending Order 292, filed 1/19/88, effective 3/1/88)

WAC 356-34-030 SUSPENSION—DURA-TION—PROCEDURE. Appointing authorities may suspend a permanent employee without pay for cause as specified in these rules. The period of suspension shall not ((fexceed fifteen)) exceed fifteen calendar days for a single penalty or for a total of ((30)) thirty calendar days in any calendar year as a result of several penalties per RCW 41.06.170. The specified charges and duration of the action shall be furnished in writing to the employee not later than one calendar day after the suspension becomes effective. A copy shall be submitted to the director of personnel. Notice to the employee shall be made in the manner described in WAC 356-34-045. No qualifying time or seniority shall be denied for any period of suspension.

WSR 90-01-112 NOTICE OF PUBLIC MEETINGS DEPARTMENT OF LICENSING (Real Estate Commission)

[Memorandum-December 19, 1989]

The Real Estate Commission will be holding regular meetings on the following dates in the following locations:

February 16, 1990
9:00 a.m.

Department of Licensing
Highways-Licenses Building
4th Floor Conference Room
Olympia, Washington

April 5, 1990 Downtown Seattle 9:00 a.m. (Location to be selected)

Cavanaugh's Inn June 19, 1990 North 1101 Columbia 9:00 a.m. Center Boulevard Kennewick, WA September 10, 1990 Sheraton Hotel 9:00 a.m 1320 Broadway Plaza Tacoma, WA Best Western Silverdale December 10, 1990 9:00 a.m. Inn on the Bay 3073 Bucklin Hill Road Silverdale, WA 98383

WSR 90-01-113 PROPOSED RULES DEPARTMENT OF AGRICULTURE

[Filed December 20, 1989, 2:14 p.m.]

Original Notice.

Title of Rule: Chapter 16-403 WAC, Standards for apples marketed within Washington.

Purpose: To increase the amount of color required in the Washington extra fancy and fancy grades of Red Delicious apples for all markets except offshore export and to increase the firmness requirements of Red Delicious, Delicious, and Golden Delicious varieties by approximately one pound pressure test.

Statutory Authority for Adoption: Chapter 15.17 RCW.

Statute Being Implemented: Chapter 15.17 RCW.

Summary: The rule will increase color to 75% for Washington extra fancy grade, 55% for Washington fancy grade (currently at 66% and 40% respectively), and require United States grades to meet the same requirement with the exception of offshore export shipments. The firmness rules will result in a more stringent requirement for condition at time of shipment.

Reasons Supporting Proposal: Color: There is currently a practice of packing several quality levels within the extra fancy and fancy grades. The result is overlap and confusion in the market place, possibly contributing to poor returns to the producer. The rule change is intended to eliminate some of the levels of grades within grades and to lessen the degree of confusion. Firmness: The rule is intended to provide apples that are more crisp, have better shelf life and overall condition at the retail level resulting in increased consumer acceptance and satisfaction.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: James R. Archer, Olympia, Washington, (206) 753-5054.

Name of Proponent: Apple producers by petition, private.

Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fiscal Matters: Enforcement will be contingent upon adequate collection of inspection fees, chapter 16-400 WAC.

Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: The rule will upgrade quality and condition of the affected varieties, reduce confusion by the buyers and sellers, and satisfy consumer demands for a crispier apple. The anticipated effect is increased consumer demand for Washington apples which are in plentiful supply, and improved returns to the producer.

Proposal Changes the Following Existing Rules: Upgrade in color requirements on Red Delicious variety. Upgrade in firmness requirements on Red Delicious, Delicious, and Golden Delicious varieties.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

Hearing Location: Red Lion Inn, 1225 North Wenatchee Avenue, Wenatchee, WA, on January 31, 1990, at 10 a.m.; and at the Holiday Inn, 9 North 9th Street, Yakima, WA, on February 1, 1990, at 10 a.m.

Submit Written Comments to: Washington State Department of Agriculture, Commodity Inspection Division, 406 General Administration Building, AX-41, Olympia, WA 98504, by January 31, 1990.

Date of Intended Adoption: February 14, 1990.

December 20, 1989

J. Allen Stine
Assistant Director
Commodity Inspection

AMENDATORY SECTION (Amending Order 2012, filed 6/28/89, effective 9/1/89)

WAC 16-403-142 RED DELICIOUS, DELICIOUS, AND GOLDEN DELICIOUS—MINIMUM FIRMNESS. At the time of shipment, Red Delicious, ((Delicious,)) and ((Golden)) Delicious ((apples of all grades shall not be further advanced in maturity than firm ripe)) Varieties shall pressure test not less than twelve pounds; Provided, that those apples failing to pressure test twelve pounds may be considered as meeting the requirements of this section when the individual apple exhibits edible qualities and texture of flesh comparable to other apples of the same variety which pressure test twelve pounds or more.

At the time of shipment, Golden Delicious variety shall pressure test not less than ten pounds; Provided, that those apples failing to pressure test ten pounds may be considered as meeting the requirements of this section when the individual apple exhibits edible qualities and texture of flesh comparable to other apples of the same variety which pressure test ten pounds or more.

AMENDATORY SECTION (Amending Order 1374, filed 7/26/74, effective 9/1/74)

WAC 16-403-155 COLOR REQUIREMENTS. In addition to the requirement specified for the grades set forth in WAC 16-403-145 and 16-403-150, apples of these grades shall have the percentage of color specified for the variety appearing in this section.

(1) Solid red varieties. For the solid red varieties the percentage stated refers to the area of the surface which must be covered with a good shade of solid red characteristic of the variety: Provided, That an apple having color of a lighter shade of solid red or striped red than that considered as a good shade of red characteristic of the variety may be admitted to a grade provided it has sufficient additional area covered so that the apple has as good an appearance as one with the minimum percentage of good red characteristic of the variety required for the grade, subject to the limitations set forth below.

	EXTRA FANCY	FANCY
VARIETY	PERCENT	PERCENT
Black Ben	66 ⁽¹⁾ 66 ⁽¹⁾	40 ⁽³⁾ 40 ⁽³⁾
Gano	66(1)	40(3)
Winesaps	66 ⁽¹⁾ 66 ⁽¹⁾	$40^{(3)}$
Other similar varieties	66(1)	40 ⁽³⁾

	EXTRA FANCY	FANCY
VARIETY	PERCENT	PERCENT
		
Red Delicious sport varieties ⁽²⁾	$\frac{75^{(5)}}{66^{(4)}}$	$\frac{55^{(6)}}{40^{(3)}}$
Other r((R))ed sport varieties(2)	66(4)	40(3)

(1) Must have at least 50 percent good shade of red color characteristic of the variety

(2) When the red sport varieties are marked as such, they shall meet the color requirements of red sport varieties, and the containers must also bear the name of the parent variety.

(3) Must have at least 33 percent good shade of red color; characteristic of

(4) Must have at least 66 percent good shade of red color; characteristic of the variety.

(5) Must have at least 75 percent good shade of red color; characteristic of

(6) the variety.

Must have at least 55 percent good shade of red color; characteristic of the variety; except that color requirements for offshore export shipments shall be 40 percent, of which at least 33 percent shall be a good shade of red color; characteristic of the variety.

(2) Striped or partial red varieties. For the striped or partial red varieties the percentage stated refers to the area of the surface in which the stripes of a good shade of red characteristic of the variety shall predominate over stripes of lighter red, green or yellow. However, an apple having color of a lighter shade than that considered as a good shade of red characteristic of the variety may be admitted to a grade, provided it has sufficient additional area covered so that the apple has as good an appearance as one with the minimum percentage of stripes of a good red characteristic of the variety required for the grade, subject to the limitations set forth below. Faded brown stripes shall not be considered as color.

VARIETY	PERCENT	FANCY PERCENT
Delicious	50	25
Rome Beauty	50 ⁽¹⁾	33 ⁽²⁾
Wealthy	50	25
Stayman	50	33
Other similar varieties	50	25
Jonathan	66 ⁽¹⁾	33 ⁽²⁾
McIntosh	50 ⁽¹⁾	33 ⁽²⁾
Cortland	50	33
Other similar varieties	50	33
Red Delicious sport varieties ⁽⁵⁾	75 ⁽⁶⁾	55 ⁽⁷⁾
Other r ((R))ed sport varieties (5)	$\overline{66^{(4)}}$	40 ⁽³⁾

(1) Must have at least 35 percent good shade of red color characteristic of the variety.

(2) Must have at least 15 percent good shade of red color characteristic of the variety.

(3) Must have at least 33 percent good shade of red color characteristic of the variety.

(4) Must have at least 66 percent good shade of red color characteristic of the variety.

(5) When the red sport varieties are marked as such, they shall meet the color requirements of red sport varieties, and the containers must also bear the name of the parent variety.

(6) Must have at least 75 percent good shade of red color; characteristic of

the variety.

(7) Must have at least 55 percent good shade of red color; characteristic of the variety; except that color requirements for offshore export shipments shall be 40 percent, of which at least 33 percent shall be a good shade of red color; characteristic of the variety.

(3) Red cheeked or blushed varieties.

VARIETY	EXTRA FANCY PERCENT	FANCY PERCENT	
Winter Banana	Blush Cheek	Tinge of color	
Other similar varieties	Blush Cheek	Tinge of color	

(4) In no case shall the color requirements for any variety be less than those required under the United States standards for grades of apples, effective September 1, 1964, as amended October 1, 1966 and July 25, 1972, and March 25, 1976 for the comparable Washington grade and variety.

AMENDATORY SECTION (Amending Order 2012, filed 6/28/89, effective 9/1/89)

WAC 16-403-190 TOLERANCES. In order to allow for variations incident to proper grading and handling in each of the foregoing grades, the following tolerances are provided as specified:

(1) Defects: Washington extra fancy, Washington fancy and Wàshington C grade.

Ten percent of the apples in any lot may fail to meet the requirements of the grade, but not more than one-half of this amount, or 5 percent, shall be allowed for apples which are seriously damaged, including therein not more than one percent for apples affected by decay or internal breakdown.

(2) When applying the foregoing tolerances to combination grades, no part of any tolerance shall be allowed to reduce, for the lot as a whole, the percent of apples of the higher grade required in the combination.

Combinations requiring 80 percent of the higher grade for the lot shall have not less than 65 percent of the higher grade in individual

Combinations requiring 50 percent of the higher grade for the lot shall have not less than 40 percent of the higher grade in individual

(3) Size. When size is designated by the numerical count for a container, not more than 5 percent of the apples in the lot may vary more than 1/4 inch in diameter. When size is designated by minimum or maximum diameter, not more than 5 percent of the apples in any lot may be smaller than the designated minimum and not more than 10 percent may be larger than the designated maximum.

(4) Firmness. Not more than ((5)) ten percent of the apples in any lot of Red Delicious, Delicious, and Golden Delicious varieties shall ((be further advanced in maturity than firm ripe)) fail to meet the firmness requirements as defined in WAC 16-403-142.

Reviser's note: RCW 34.05.395 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

AMENDATORY SECTION (Amending Order 1374, filed 7/26/74, effective 9/1/74)

WAC 16-403-220 MARKING REQUIREMENTS-OPEN OR CLOSED CONTAINERS. (1) The containers shall bear the correct name of the variety or "variety unknown", the name of the grower, packer, or distributor, and his address, the grade, the numerical count or the minimum diameter of apples packed in a closed container, and the net contents either in terms of dry measure or weight. All open containers and consumer packages must bear statement of net weight without exception.

(a) When the numerical count is not shown, the minimum diameter shall be plainly stamped, stenciled, or otherwise marked on the container in terms of whole inches, or whole inches and not less than eight inch fractions thereof.

(b) The word "minimum", or its abbreviation, when following a diameter size marking, means that the apples are of the size marked or

(2) Over-wrapped consumer units may be marked with count, if all specimens can be counted.

(3) Any of these marks may be placed on either the end or side of the container. (California requires end markings.)

(4) When containers are marked as to number, each container shall contain the correct number of apples designated by the markings.

(5) Grade markings on consumer-type packages must be at least one-fourth inch in height.

(6) Containers of the Red Delicious variety, when packed for offshore export, shall have placed on the principal display panel, the works, "For offshore export".

AMENDATORY SECTION (Amending Order 2012, filed 6/28/89, effective 9/1/89)

WAC 16-403-280 ADOPTION OF UNITED STATES STAN-DARDS AS STATE STANDARDS. In addition to the standards for apples prescribed in WAC 16-403-140 through 16-403-275, there are hereby adopted, as additional standards of the state of Washington for apples, the United States standards for grades of apples, effective September 1, 1964, as amended October 1, 1966, July 25, 1972, and March 25, 1976, adopted by the United States Department of Agriculture, as they apply to U.S. extra fancy, U.S. fancy, U.S. No. 1 and U.S. No. 1 hail, provided, that when used on Red Delicious variety, except for offshore export shipments, the U.S. extra fancy and fancy grades shall meet the color requirements of WAC 16-403-155 and provided, the color requirements specified for U.S. No. 1 and U.S. No. 1 hail must be good shade of red color and the percentage of color required for U.S. No. 1 and U.S. No. 1 hail for Delicious shall be 25 percent good shade of red color and provided further, that all the United States grades as applied to Red Delicious, Delicious, and Golden Delicious varieties shall meet the firmness requirements of WAC 16-403-142.

WSR 90-01-114 RULES COORDINATOR DEPARTMENT OF ECOLOGY

[Filed December 20, 1989, 2:21 p.m.]

As required in RCW 34.05.310(3), the rules coordinator for the Department of Ecology is Jerri Brooker, Department of Ecology, Mailstop PV-11, Olympia, Washington 98504-8711.

Chris Gregoire Director

WSR 90-01-115 PERMANENT RULES MARINE EMPLOYEES' COMMISSION

[Filed December 20, 1989, 2:45 p.m.]

Date of Adoption: December 5, 1989.

Purpose: Chapter 316-02 WAC is adopted to set forth certain general rules of practice and procedure applicable to all types of cases processed by the commission.

Citation of Existing Rules Affected by this Order: Repealing WAC 316–02–320 and 316–02–330; and amending WAC 316–02–001, 316–02–003, 316–02–007, 316–02–010, 316–02–135, 316–02–150, 316–02–170, 316–02–200, 316–02–210, 316–02–220, 316–02–300, 316–02–340, 316–02–410, 316–02–450, 316–02–500, 316–02–510, 316–02–810, 316–02–910, 316–02–920 and 316–02–930.

Statutory Authority for Adoption: RCW 47.64.280 and 34.05.220.

Pursuant to notice filed as WSR 89-22-126 on November 1, 1989.

Changes Other than Editing from Proposed to Adopted Version: WAC 316-02-340 and 316-02-410 conform to other changes.

Effective Date of Rule: Thirty-one days after filing.

December 20, 1989 Louis O. Stewart Rules Coordinator Commissioner

AMENDATORY SECTION (Amending Resolution No. 84-01, filed 3/20/84)

WAC 316-02-001 APPLICATION AND SCOPE OF CHAPTER 316-02 WAC. Chapter 316-02 WAC has been added to the Washington Administrative Code

by the marine employees' commission pursuant to the authority of ((section 19, chapter 15, Laws of 1983 (RCW 47.64....))) RCW 47.64.280 and chapter ((34.04)) 34.05 RCW, to promulgate comprehensive and uniform rules for practice and procedure before the ((agency)) commission. The provisions of chapter 1-08 WAC shall not be applicable to the proceedings before the commission. This chapter sets forth general rules applicable to all types of proceedings before the agency, and should be read in conjunction with the provisions of:

- (1) Chapter 10-08 WAC which contains rules promulgated by the chief administrative law judge governing the conduct of adjudicative proceedings under chapters 316-25, 316-35, 316-45, 316-55, 316-65, and 316-75, except;
- (a) WAC 10-08-035, which is supplanted by detailed requirements in WAC 316-25-070, 316-25-090, 316-35-050, 316-45-050, 316-65-050, and 316-75-110;
- (b) WAC 10-08-110, which is supplanted by WAC 316-08-120 through 316-08-180;
- (c) WAC 10-08-120, to the extent that it is further limited by WAC 316-02-040 and 316-02-310;
- (d) WAC 10-08-140, to the extent that it is further limited by WAC 316-02-040 and 316-02-310;
- (e) WAC 10–08–211, which is supplanted by WAC 316–25–390, 316–25–590, 316–25–630, 316–25–670, 316–35–210, 316–35–230, 316–45–350, 316–45–370, 316–65–550, 316–65–555, 316–75–270, and 316–75–290; and
- (f) WAC 10–08–230, which is supplanted by WAC 316–02–005, 316–25–150, 316–25–230, 316–25–250, 316–25–270, 316–25–310, 316–35–070, 316–35–150, 316–45–070, 316–45–090, 316–45–230, 316–65–505, 316–65–507, 316–65–515, and 316–75–210.
- (2) Chapter 316-25 WAC, which contains rules relating to proceedings on petitions for investigation of questions concerning representation of ferry system employees.
- (((2))) (3) Chapter 316-35 WAC, which contains rules relating to proceedings on petitions for clarification of an existing ferry system employees' bargaining unit.
- (((3))) (4) Chapter 316-45 WAC, which contains rules relating to proceedings on complaints charging unfair labor practices in the Washington state ferry system.
- (((4))) (5) Chapter 316-55 WAC, which contains rules relating to the resolution of impasses occurring in ferry system collective bargaining.
- (((5))) (6) Chapter 316-65 WAC, which contains rules relating to arbitration of grievance disputes arising out of the interpretation or application of a collective bargaining agreement in the Washington state ferry system.
- (((6))) (7) Chapter 316-75 WAC, which contains rules relating to determination of union security disputes arising between ferry system employees and employee organizations certified or recognized as their bargaining representative.
- (8) Chapter 316-85 WAC, which contains rules relating to surveys of compensation, benefits, and conditions of employment required by chapter 47.64 RCW.

In the event of a conflict between general rule in this chapter and a special rule in another chapter applicable to a particular proceeding, the special rule shall govern.

AMENDATORY SECTION (Amending Resolution No. 84-01, filed 3/20/84)

WAC 316-02-003 POLICY—CONSTRUCTION—WAIVER. The policy of the state being primarily to promote peace in labor relations in the Washington state ferry system, these rules and all other rules adopted by the agency shall be liberally construed to effectuate the purposes and provisions of the statutes administered by the marine employees' commission and nothing in any rule shall be construed to prevent the commission and its authorized agents from using their best efforts to adjust any labor dispute. The commission and its authorized agents may waive any requirement of the rules not specified by statute unless a party shows that it would be prejudiced by such a waiver.

NEW SECTION

WAC 316-02-005 COMMISSION POLICY—LABOR RELATIONS. It is the policy of the commission to promote bilateral collective bargaining negotiations between and among the Washington state ferry system management, ferry employees, and their exclusive representatives in accordance with chapter 47.64 RCW. These parties are encouraged to engage in free and open exchange of proposals and positions on all matters coming into dispute between them. To the extent that the commission and its representatives can assist in fair and harmonious informal settlements of differences, the need for more elaborate and costly adjudicative procedures under all chapters of Title 316 WAC will be diminished.

AMENDATORY SECTION (Amending Resolution No. 84-01, filed 3/20/84)

WAC 316-02-007 DEFINITIONS. As used in Title 316 WAC, unless the context otherwise requires, the definitions in this section shall apply.

- (1) (("Arbitration" means the procedure whereby the parties involved in an impasse submit their differences to a third party for a final and binding decision or as provided in this chapter:
- (2) "Arbitrator" means either a single arbitrator or a panel of three arbitrators.
- (3)) "Adjudicative proceeding" means a proceeding before the commission or its designee in which an opportunity for hearing before the commission is required in the resolution of petitions for investigation of questions concerning representation of ferry system employees, resolution of petitions for clarification of an existing ferry system employee bargaining unit, complaints charging unfair labor practices in the Washington state ferry system, impasses occurring in the Washington state ferry system of collective bargaining, grievance disputes arising out of interpretation or application of a collective bargaining agreement in the Washington state ferry system, determination of union security disputes arising between Washington state ferry system employees and

- employee organization certified or recognized as their bargaining representatives. "Adjudicative proceeding" shall not include the process or decision making in salary surveys or other fact-finding surveys by the commission.
- (2) "Collective bargaining representative" means the persons designated by the secretary of transportation and employee organizations to be the exclusive representatives during collective bargaining negotiations.
- (((4))) (3) "Commission" means the marine employees' commission created by ((chapter 15, Laws of 1983)) RCW 47.64.280 or a majority thereof.
- (((5))) (4) "Department of transportation" or "department" means the department as defined in RCW 47.01.021
- (((6))) (5) "Ferry employee" means any employee of the marine transportation division of the department of transportation who is a member of a collective bargaining unit represented by a ferry employee organization and does not include an exempt employee pursuant to RCW 41.06.079.
- (((7))) (6) "Ferry employee organization" means any labor organization recognized to represent a collective bargaining unit of ferry employees.
- (((8))) (7) "Ferry system management" means those management personnel of the marine transportation division of the department of transportation who have been vested with the day—to—day management responsibilities of the Washington state ferry system by the transportation commission and who are not members of a collective bargaining unit represented by a ferry employee organization.
- (8) "Filing" of a petition concerning representation of employees or for clarification of a bargaining unit, a complaint charging an unfair labor practice, an impasse resolution, a request for fact-finding, a grievance and/or request for appointment of an arbitrator, assertion of a right of nonassociation, or other similar papers in matters governed by chapter 47.64 RCW, means delivery of such document to the marine employees' commission at its Olympia office.
- (9) "Lockout" means the refusal of ferry system management to furnish work to ferry employees in an effort to get ferry employ organizations to make concessions during collective bargaining, grievance, or other labor relation negotiations. Curtailment of employment of ferry employees due to lack of work resulting from a strike or work stoppage, as defined in subsection (10) of this section, shall not be considered a lockout.
- (10) "Strike or work stoppage" means a ferry employee's refusal, in concerted action with others, to report to duty, or his or her ((wilful)) willful absence from his or her position, or his or her stoppage or slow-down of work, or his or her abstinence in whole or in part from the full, faithful, and proper performance of the duties of employment, for the purpose of inducing, influencing, or coercing a change in conditions, compensation, rights, privileges, or obligations of his, her, or any other ferry employee's employment. A refusal, in good faith, to work under conditions which pose an endangerment to the health and safety of ferry employees or the public, as determined by the master of the vessel, shall not be considered a strike.

(11) "Transportation commission" means the commission as defined in RCW 47.01.021.

AMENDATORY SECTION (Amending Resolution No. 84-01, filed 3/20/84)

WAC 316-02-010 APPEARANCE AND PRACTICE BEFORE COMMISSION—WHO MAY APPEAR. No person may appear in a representative capacity before the marine employees' commission or its designated hearing officer other than the following:

- (1) Attorneys at law duly qualified and entitled to practice before the supreme court of the state of Washington;
- (2) Attorneys at law duly qualified and entitled to practice before the highest court of record of any other state, if the attorneys at law of the state of Washington are permitted to appear in a representative capacity before administrative agencies of such other state, and if not otherwise prohibited by our state law;
- (3) A bona fide officer, employee or other authorized representative of: (a) The department of transportation, or (b) any labor or employee organization recognized, or seeking recognition, in accordance with chapter 316-25 WAC;
- (4) Other persons, including but not limited to bona fide representatives of ferry users, may make presentations to the marine employees' commission following written request approved by a majority of the commission: PROVIDED, That only persons qualified under subsections (1), (2), and (3) of this section may take part in representation cases, unit clarifications, unfair labor practice cases, impasse resolutions, grievance handling, union security disputes, or any other technical matters involving labor relations.

Nothing in this chapter may be construed as prohibiting a ferry employee from representing himself or herself before the commission.

READOPTED SECTION (Readopting Resolution No. 84-01, filed 3/20/84)

WAC 316-02-020 APPEARANCE AND PRACTICE BEFORE COMMISSION—STANDARDS OF CONDUCT. Misconduct at any hearing conducted by the commission or its designee shall be ground for summary exclusion from the hearing. Misconduct of an aggravated character, when engaged in by an attorney or other person acting in a representative capacity pursuant to WAC 316-02-010, shall be ground for suspension or disbarment by the commission after due notice and hearing.

READOPTED SECTION (Readopting Resolution No. 84-01, filed 3/20/84)

WAC 316-02-030 APPEARANCE AND PRACTICE BEFORE COMMISSION—APPEARANCE BY FORMER EMPLOYEE OF COMMISSION OR FORMER MEMBER OF ATTORNEY GENERAL'S STAFF. No former member of the marine employees' commission, former employee of the commission or former member of the attorney general's staff shall, at

any time after severing his employment with the commission or with the attorney general, appear in a representative capacity on behalf of any party in connection with any case or proceeding which was pending before the commission during the time of his employment with the commission.

READOPTED SECTION (Readopting Resolution No. 84-01, filed 3/20/84)

WAC 316-02-040 APPEARANCE AND PRACTICE BEFORE COMMISSION—FORMER EMPLOYEE AS WITNESS. Except upon the express written consent of the marine employees' commission, no former member of the commission, or former member of the attorney general's staff shall, at any time after severing his employment with the commission or with the attorney general, appear as a witness on behalf of any party in connection with any case or proceeding which was pending before the commission during the time of his employment with the commission.

READOPTED SECTION (Readopting Order 85-2, filed 10/16/85)

WAC 316-02-100 SERVICE OF PROCESS—COMPUTATION OF TIME. Unless otherwise provided in chapter 47.64 RCW, in computing any period of time prescribed by notice, the prescribed period of time shall commence on the date of receipt of such notice. In computing any other period of time allowed by chapter 47.64 RCW or other applicable statute, the day of the act, event, or default after which the designated period of time begins to run is not to be included, unless it is a Saturday, Sunday or a legal holiday, in which event the period runs until the end of the next day which is neither a Saturday, Sunday nor a holiday. When the period of time prescribed or allowed is less than seven days, intermediate Saturdays, Sundays and holidays shall be excluded in the computation.

READOPTED SECTION (Readopting Order 85-2, filed 10/16/85)

WAC 316-02-103 SERVICE OF PROCESS—ADDITIONAL TIME AFTER SERVICE BY MAIL. Unless a party is required to do some act upon a date specified in a notice or other paper served upon him, whenever a party has the right or is required to do some act within a prescribed period after service of a notice or other paper upon him, and the notice or paper is served on him by mail, 3 days shall be added to the prescribed period.

READOPTED SECTION (Readopting Resolution No. 84-01, filed 3/20/84)

WAC 316-02-105 SERVICE OF PROCESS—EXTENSION OF TIME. The commission or its authorized agent may, by agreement of the parties or for good cause shown, extend any time limit prescribed or allowed by the rules of the commission. Any motion to extend any time limit shall, except for good cause shown, be made before the expiration of such time limit.

READOPTED SECTION (Readopting Resolution No. 84-01, filed 3/20/84)

WAC 316-02-110 SERVICE OF PROCESS—BY WHOM SERVED. The commission shall cause to be served all orders, notices and other formal papers issued by it, together with any other papers which it is required by law or rule to serve. Every other paper shall be served by the party filing it.

READOPTED SECTION (Readopting Resolution No. 84-01, filed 3/20/84)

WAC 316-02-120 SERVICE OF PROCESS—UPON WHOM SERVED. All formal papers served by the commission or by any party shall be served upon all counsel then of record and upon all parties not represented by counsel or upon their agents designated by them or by law. Any counsel entering an appearance subsequent to the initiation of the proceeding shall notify all other counsel then of record and all parties not represented by counsel of such fact. Except as specifically provided elsewhere in these rules, copies of all correspondence directed to the commission or by the commission in connection with any matter pending before the commission shall be furnished to all counsel of record and to all parties not represented by counsel.

AMENDATORY SECTION (Amending Order 85-2, filed 10/16/85)

WAC 316-02-135 SERVICE OF PROCESS—METHOD AND COMPLETION OF SERVICE ON PARTIES. Unless otherwise provided in chapter 47.64 RCW, any notice or other paper ((required)) served under this chapter shall be in writing. Service thereof is sufficient if mailed by restricted certified mail, return receipt requested, addressed to the last known addresses of the parties. Refusal of restricted certified mail by any party shall be considered service. Any party may at any time execute and deliver an acceptance of service in lieu of mailed notice.

AMENDATORY SECTION (Amending Resolution No. 84-01, filed 3/20/84)

WAC 316-02-150 SERVICE OF PROCESS—FILING WITH COMMISSION. Papers ((required)) intended to be filed with the commission shall be deemed filed upon actual receipt by the commission during its regular office hours at ((the place specified for such filing)) its Olympia office: PROVIDED, HOWEVER, That such service shall be deemed to be incomplete if the party making the filing should subsequently fail, when requested to do so by the commission, to provide proof of service upon other parties required to be served.

Filing a copy of the paper(s), together with one of the following shall constitute proof of service:

(I) An acknowledgement of service; or

(2) A certificate that the person signing the certificate did on the date of the certificate serve the paper(s) upon all parties of record in the proceeding by:

- (a) Mailing a copy thereof, by restricted certified mail, return receipt requested, to each party to the proceeding or to his or her attorney or authorized agent; or
 - (b) Delivery of a copy thereof in person.

READOPTED SECTION (Readopting Resolution No. 84-01, filed 3/20/84)

WAC 316-02-160 SERVICE OF PROCESS—OPPORTUNITY FOR HEARING. All hearings in contested cases shall be public. Any party to a contested case shall have the right to appear at such hearing in person, by counsel, or by other representative; and to call, examine and cross-examine witnesses; and to introduce into the record documentary or other evidence.

AMENDATORY SECTION (Amending Resolution No. 84-01, filed 3/20/84)

WAC 316-02-170 SERVICE OF PROCESS—NOTICE OF HEARING. In any contested case, all parties shall be served with a notice ((within the statutory time as required by the particular statute governing the proceeding involved. In the absence of a statutory requirement, notice shall be given twenty)) not less than seven days before the date set for hearing. ((All notices of hearing shall state the time and place of the hearing, and shall clearly identify the proceeding or the issues involved.)) The notice shall include:

- (1) Unless otherwise ordered by the presiding officer, the names and mailing addresses of all parties to whom notice is being given and, if known, the names and addresses of their representatives;
- (2) The official file or other reference number and the name of the proceeding;
- (3) The name, official title, mailing address, and telephone number of the presiding officer;
- (4) A statement of the time, place, and nature of the proceeding;
- (5) A statement of the legal authority and jurisdiction under which the hearing is to be held;
- (6) A reference to the particular sections of the statutes and rules involved;
- (7) A short and plain statement of the matters asserted by the commission;
- (8) A statement that a party who fails to attend or participate in a hearing or other stage of an adjudicative proceeding, or be represented therein by agent or counsel, may be held in default.

READOPTED SECTION (Readopting Resolution No. 84-01, filed 3/20/84)

WAC 316-02-180 SERVICE OF PROCESS—CONTINUANCES. Immediately upon receipt of notice of a hearing, or as soon thereafter as circumstances necessitating a continuance come to its knowledge, any party desiring a continuance shall notify all other parties prior to filing a request for continuance with the commission. All continuance requests shall be filed in writing and shall specify, in detail, the reasons why the continuance is necessary, the position of all other parties concerning the requested continuance and suggested alternative dates for rescheduling. In passing upon a request

for continuance, the commission shall consider whether the request was promptly and timely made. For good cause shown, the commission or its designated hearing officer or examiner may grant a continuance and may at any time order a continuance on its or his own motion. During a hearing, if it appears in the public interest or in the interest of justice that further testimony or argument should be received, the examiner or other officer conducting the hearing may, in his discretion, continue the hearing and fix the date for introduction of additional evidence or presentation of argument. Such oral notice shall constitute final notice of such continued hearing.

AMENDATORY SECTION (Amending Resolution No. 84-01, filed 3/20/84)

WAC 316-02-200 DEFINITION OF ISSUES—BEFORE HEARING. In all proceedings the issues to be adjudicated shall be made initially as precise as possible, in order that the ((hearing officer or examiner)) commission may proceed promptly to conduct the hearing on relevant and material matter only.

AMENDATORY SECTION (Amending Resolution No. 84-01, filed 3/20/84)

WAC 316-02-210 DEFINITION OF ISSUES—PREHEARING CONFERENCE AUTHORIZED. In any proceeding, the commission or its designated ((hearing officer or examiner)) commissioner, upon its or his own motion or upon the motion of one of the parties or their qualified representatives, may in its or his discretion direct the parties or their qualified representatives to appear at a specified time and place for a conference to consider:

- (1) The simplification of issues;
- (2) The necessity of amendments to the pleadings;
- (3) The possibility of obtaining stipulations, admissions of facts and of documents:
 - (4) The limitation of the number of expert witnesses;
- (5) Such other matters as may aid in the disposition of the proceeding.

AMENDATORY SECTION (Amending Resolution No. 84-01, filed 3/20/84)

WAC 316-02-220 DEFINITION OF ISSUES—RECORD OF ACTION TAKEN DURING PRE-HEARING CONFERENCE. The commission or its designated ((hearing officer or examiner)) commissioner shall make an order or statement which recites the action taken at any prehearing conference, the amendments allowed to the pleadings, and the agreements made by the parties or their qualified representatives as to any of the matters considered, including the settlement or simplification of issues, which limits the issues for hearing to those not disposed of by admissions or agreements; and such order or statement shall control the subsequent course of the proceeding unless modified for good cause by subsequent order.

<u>READOPTED SECTION</u> (Readopting Resolution No. 84-01, filed 3/20/84)

WAC 316-02-230 SUMMARY JUDGMENT. A summary judgment may be issued if the pleadings and admissions on file, together with affidavits, if any, show that there is no genuine issue as to any material fact and that one of the parties is entitled to a judgment as a matter of law. Motions for summary judgment made in advance of a hearing shall be filed with the commission and served on all other parties to the proceeding.

AMENDATORY SECTION (Amending Resolution No. 84-01, filed 3/20/84)

WAC 316-02-300 SUBPOENAS—FORM—DISCOVERY. (1) Pursuant to RCW 34.05.446 and 47.64.280, the commission or the attorney of record in whose behalf the witness is required to appear may subpoena any ferry employee or employees, or their representatives, or any member or representative of the department, and any witness(es).

- (2) The commission on its own motion or at the request of a party may require attendance of witnesses and the production of all pertinent records in any adjudicative proceeding.
- (3) Except as otherwise provided by this chapter, the presiding officer may decide whether to permit the taking of depositions, the requesting of admissions, and all other procedures authorized by rules 26 through 36 of the superior court civil rules.
- (4) Every subpoena shall state the name of the commission as: State of Washington, marine employees' commission; shall state the title of the proceeding, if any; shall show on its face the name and address of the party at whose request the subpoena was issued; and shall command the person to whom it is directed to attend and give testimony or produce designated books, documents or things under his control at a specified time and place.

AMENDATORY SECTION (Amending Resolution No. 84-01, filed 3/20/84)

WAC 316-02-310 SUBPOENAS—ISSUANCE TO PARTIES. (1) Subpoenas requiring the attendance and testimony of witnesses or the production of evidence shall be issued ex parte to any party to a contested case: PROVIDED, HOWEVER, That no subpoena shall be issued or given effect to require the attendance and testimony of, or the production of evidence by, any member of the commission or any member of the commission staff in any proceeding before the commission. The commission or its hearing officer or examiner shall issue subpoenas upon the application of counsel or other representative authorized to practice before the commission, and may condition the issuance of subpoenas to parties not so represented upon a showing of general relevance and reasonable scope of the testimony or evidence sought.

- (2) Attorneys may act under the authority conferred by RCW ((34.04.105)) 34.05.446 (2)(a).
- (3) Witnesses in an adjudicatory proceeding shall be paid the same fees and allowances in the same manner

and under the same conditions, as provided for witnesses in the courts of this state by chapter 2.40 RCW and by RCW 5.56.010, except that the commission shall have the power to fix the allowance for meals and lodging in like manner as is provided in RCW 5.56.010 as to courts.

(4) The person initiating an adjudicative proceeding or the party requesting issuance of a subpoena shall pay the fees and allowances and the cost of producing records required to be produced by subpoena.

READOPTED/AMENDATORY

SECTION (Readopting and Amending Resolution No. 84-01, filed 3/20/84)

WAC 316-02-340 SUBPOENAS—PROOF OF SERVICE. The person serving the subpoena may make proof of service by filing the subpoena and the required return, affidavit, or acknowledgement of service with the ((agency or the officer)) commission or assigned commissioner before whom the witness is required to testify or produce evidence. If service has not been acknowledged by the witness, such person shall make an affidavit of service. Failure to make proof of service does not affect the validity of the service.

READOPTED SECTION (Readopting Order 88-1, filed 4/29/88)

WAC 316-02-350 SUBPOENAS—QUASHING. Any motion to quash a subpoena shall be filed and served on all parties within five days after the date of service of the subpoena upon him and, in any event, shall be made at or before the time specified in the subpoena for compliance. The person making such motion shall give notice of the motion to the party to whom the subpoena was issued. The commission, hearing officer or examiner may (1) quash or modify the subpoena if it is unreasonable or requires evidence not relevant to any matter in issue, or (2) condition denial of the motion upon just and reasonable conditions.

READOPTED SECTION (Readopting Resolution No. 84-01, filed 3/20/84)

WAC 316-02-360 SUBPOENAS—ENFORCE-MENT. Upon application and for good cause shown, and upon proof of service of the subpoena involved if such proof was not previously provided pursuant to WAC 316-02-340, the commission will seek judicial enforcement of subpoenas which have not been quashed or may authorize a party to seek enforcement.

READOPTED SECTION (Readopting Resolution No. 84-01, filed 3/20/84)

WAC 316-02-370 SUBPOENAS—GEO-GRAPHICAL SCOPE. Attendance of witnesses and production of evidence may be required from any place in the state of Washington, at any designated place of hearing.

READOPTED SECTION (Readopting Resolution No. 84-01, filed 3/20/84)

WAC 316-02-400 EVIDENCE—EXAMINATION OF WITNESSES. Witnesses in any hearing in a contested case shall be examined orally, under oath or affirmation, and shall be subject to cross-examination.

READOPTED/AMENDATORY

SECTION (Readopting and Amending Resolution No. 84-01, filed 3/20/84)

WAC 316-02-410 EVIDENCE—APPLICATION OF RULES OF EVIDENCE. Subject to the other provisions of these rules, the ((officer)) commissioner conducting the hearing shall admit all competent and relevant evidence of probative value. In passing upon the admissibility of evidence, the ((officer)) commissioner conducting the hearing shall give consideration to, but shall not be bound to follow, the rules of evidence governing civil proceedings in the superior courts of the state of Washington.

READOPTED SECTION (Readopting Resolution No. 84-01, filed 3/20/84)

WAC 316-02-420 EVIDENCE—OBJECTIONS AND RULINGS. When objection is made to the admissibility of evidence, such evidence may be received subject to a later ruling. The officer conducting the hearing may, in his discretion, either with or without objection, exclude inadmissible evidence or order cumulative evidence discontinued. Parties objecting to the introduction of evidence shall state the precise grounds of such objection at the time such evidence is offered. No such objection shall be deemed waived by further participation in the hearing.

NEW SECTION

WAC 316-02-440 EVIDENCE—OFFICIAL NO-TICE. The commission or assigned commissioner may take official notice of:

- (1) Any judicially cognizable facts;
- (2) Technical facts within the commissioner's specialized knowledge; and
 - (3) Codes or standards that have been so noticed.

Parties shall be notified either before or during hearing or by reference in posthearing reports or findings of the material so noticed and the sources thereof, including any specific data. They shall be afforded opportunity to contest the facts and material so noticed.

AMENDATORY SECTION (Amending Resolution No. 84-01, filed 3/20/84)

WAC 316-02-450 EVIDENCE—STIPULA-TIONS AND ADMISSIONS OF RECORD. The evidence or nonexistence of a material fact, as made or agreed in a stipulation or in an admission of record, will be conclusively presumed against any party bound thereby, and no other evidence with respect thereto will be received upon behalf of such party, provided:

(1) Upon whom binding. Such a stipulation or admission is binding upon the parties by whom it is made,

their privies and upon all other parties to the proceeding who do not expressly and unequivocally deny the existence or nonexistence of the material fact so admitted or stipulated, upon the making thereof, if made on the record at a prehearing conference, oral hearing, or oral argument, or, is made in a writing filed and served upon all parties within five days after a copy of such stipulation or admission has been served upon them;

(2) Withdrawal. Any party bound by a stipulation or admission of record may, at any time prior to final decision, be permitted to withdraw the same in whole or in part by showing to the satisfaction of the ((hearing officer or examiner of the agency)) commission or commissioner that such stipulation or admission was made inadvertently or under a bona fide mistake of fact contrary to the true fact and that its withdrawal at the time proposed will not unjustly prejudice the rights of other parties to the proceeding.

READOPTED SECTION (Readopting Resolution No. 84-01, filed 3/20/84)

WAC 316-02-460 EVIDENCE—SUBMISSION OF DOCUMENTARY EVIDENCE. Documentary evidence shall be submitted in duplicate. It shall be the responsibility of the party submitting documentary evidence to provide a copy thereof to each of the other parties to the proceeding not already having a copy. Upon failure of a party to comply with this rule within five days after the close of the hearing, the commission shall, upon request, make all necessary copies at a reasonable monetary charge to the party offering the document.

READOPTED SECTION (Readopting Resolution No. 84-01, filed 3/20/84)

WAC 316-02-470 EVIDENCE—EXCERPTS FROM DOCUMENTARY EVIDENCE. When portions only of a document are to be relied upon, the offering party shall prepare the pertinent excerpts, adequately identified, and shall supply copies of such excerpts, together with a statement indicating the purpose for which such materials will be offered, to the hearing officer or examiner and to the other parties. In the absence of a request for and a showing of cause for the admission of the entire document in evidence, only the excerpts, so prepared and submitted, shall be received in the record. However, the whole of the original document shall be made available for examination and for use by all parties to the proceeding.

<u>READOPTED SECTION</u> (Readopting Resolution No. 84-01, filed 3/20/84)

WAC 316-02-490 EVIDENCE—REFUSAL OF WITNESS TO ANSWER. The refusal of a witness at any hearing in a contested case to answer any question which has been ruled to be proper shall, in the discretion of the hearing officer or examiner, be ground for striking all testimony previously given by such witness on related matter.

AMENDATORY SECTION (Amending Resolution No. 84-01, filed 3/20/84)

WAC 316-02-500 DECLARATORY RULINGS AUTHORIZED. As prescribed by RCW ((34.04.080)) 34.05.240 any interested person may petition the commission or assigned commissioner for a declaratory ((ruling. The commission shall consider the petition and within a reasonable time the commission shall:

- (1) Issue a nonbinding declaratory ruling; or
- (2) Notify the person that no declaratory ruling is to be issued; or
- (3) Set a reasonable time and place for an oral hearing or the submission of written evidence upon the matter, give reasonable notification to the person of the time and place for such hearing or submission of the issued involved, and, within a reasonable time, the commission shall:
 - (a) Issue a binding declaratory ruling; or
 - (b) Issue a nonbinding declaratory ruling; or
- (c) Notify the person that no declaratory ruling is to be issued)) order with respect to the applicability to specified circumstances only of a rule, order, or statute enforceable by the commission or designated examiner. The petition shall set forth facts and reasons on which the petitioner relies to show:
 - (1) That uncertainty necessitating resolution exists;
- (2) That there is actual controversy arising from the uncertainty such that a declaratory order will not be merely an advisory opinion;
- (3) That the uncertainty adversely affects the petitioner;
- (4) That the adverse effect of uncertainty on the petitioner outweighs any adverse effects on others or on the general public that may likely arise from the order requested; and
- (5) That the petition complies with WAC 316-02-510.

AMENDATORY SECTION (Amending Resolution No. 84-01, filed 3/20/84)

WAC 316-02-510 DECLARATORY ((RUL-INGS)) ORDERS—PETITION. Any person petitioning the commission or assigned commissioner for a declaratory ((ruling)) order pursuant to RCW ((34.04.080)) 34.05.240 and WAC 316-02-500 shall generally adhere to the following form for such purpose.

At the top of the page shall appear the wording "Before the marine employees' commission." On the left side of page below the foregoing the following caption shall be set out: "In the matter of the petition of (name of petitioning party) for a declaratory ((ruling)) order." Opposite the foregoing caption shall appear the word "petition."

The body of the petition shall be set out in numbered paragraphs. The first paragraph shall state the name and address of the petitioning party. The second paragraph shall state the name of the other party to any collective bargaining relationship from which the issue or issues to be ruled upon arises. The third paragraph shall state all rules or statutes that may be brought into issue by the petition. Succeeding paragraphs shall set out the state of

facts relied upon in form similar to that applicable to complaints in civil actions before the superior courts of this state. The concluding paragraphs shall contain the prayer of the petitioner. The petition shall be subscribed and verified in the manner prescribed for verification of complaints in the superior courts of this state.

The original ((and three legible copies)) of the petition plus one copy for service on each party the petitioner seeks to have bound by any declaratory ((ruling)) order shall be filed with the commission. ((Petitions shall be on white paper, 8 1/2" x 13" in size.))

NEW SECTION

WAC 316-02-520 DECLARATORY ORDERS—RIGHTS AND DISPOSITION. (1) The petitioner for a declaratory order shall enjoy the same rights, privileges and expectations as in any other proceeding before the commission, except as specifically limited by WAC 316-01-500 and 316-01-510.

- (2) Within fifteen days after receipt of a petition for a declaratory order, the commission or designated examiner shall give notice of the petition to all persons to whom notice is required by law or rule, and may give notice to any other person deemed desirable.
- (3) Within thirty days after receipt of a petition for a declaratory order the commission or designated examiner, in writing, shall do one of the following:
- (a) Enter an order declaring the applicability of the statute, rule, or order in question to the specified circumstances;
- (b) Set the matter for specified proceedings to be held no more than ninety days after receipt of the petition;
- (c) Set a specified time no more than ninety days after receipt of the petition by which a declaratory order will be entered; or
- (d) Decline to enter a declaratory order, stating the reasons for that action.
- (4) The time limits of subsection (3)(b) and (c) of this section may be extended by the commission or designated examiner for good cause.
- (5) The commission or designated examiner may not enter a declaratory order that would substantially prejudice the rights of a person who would be a necessary party and who does not consent in writing to the determination of the matter by a declaratory order proceeding.
- (6) A declaratory order has the same status as any other order entered in a commission or examiner adjudicative proceeding. Each declaratory order shall contain the names of all parties to the proceeding on which it is based, the particular facts on which it is based, and the reasons for the conclusions.

NEW SECTION

WAC 316-02-560 INTERVENTION AND CON-SOLIDATION OF PROCEEDINGS. (1) Motion for intervention: Any person, not a party, who desires to appear and participate in any proceeding before the commission except resolution of impasse in reaching collective bargaining agreement, may make a written motion for intervention prior to the hearing or make an oral motion for intervention at the outset of the hearing. No such motion shall be filed or made after the hearing of evidence has commenced, except for good cause shown. The motion for intervention must state the name and address of the moving party; the name, address and telephone number of its principal representative, if any; the party's interest in the proceedings; and the party's position in regard to the labor dispute.

- (2) Disposition of motion for intervention: Motions for intervention shall be considered first at all hearings, or may be set for prior hearing. An opportunity shall be afforded the original parties to be heard thereon. If it appears that the motion discloses an interest in the labor dispute or that participation by the moving party is in the public interest, the commission shall grant the motion. Thereafter, the moving party shall be a party to the proceedings with the same right to produce and cross-examine witnesses as the other parties. If it appears during the course of proceedings that an intervenor has no substantial interest therein, the commission may dismiss such intervenor.
- (3) Consolidation: On its own motion or at the motion of any party, the commission may consolidate proceedings on two or more notices where the facts or principles of law are related.
- (4) This general rule on intervention and consolidation of proceedings may be superseded by specific requirements in certain chapters.

AMENDATORY SECTION (Amending Resolution No. 84-01, filed 3/20/84)

WAC 316-02-600 ((COMMISSION DECISIONS IN CONTESTED CASES—FORM AND CONTENT)) CONTESTED CASES INCLUDES APPLICATION FOR ADJUDICATIVE PROCEEDING—EXCEPTIONS. ((Every decision and final order shall:

- (1) Be correctly captioned as to name of commission and name of proceeding;
- (2) Designate all parties and counsel to the proceeding;
- (3) Include a concise statement of the nature and background of the proceeding;
- (4) Be accompanied by appropriate numbered findings of fact and conclusions of law;
- (5) Whenever practical, the conclusions of law shall include the reason or reasons for the particular order or remedy afforded;
- (6) Wherever practical, the conclusions and/or order shall be referenced to specific provisions of the law and/or regulations appropriate thereto, together with reasons and precedents relied upon to support the same.)) An application for the commission to investigate, and enter an order thereon, a question concerning (1) representation of ferry system employees, (2) clarification of an existing collective bargaining unit, (3) a complaint charging an unfair labor practice, (4) a grievance based upon alleged violation of rights granted by statute, rule or collective bargaining agreement, (5) union security dispute, or (6) other ferry system labormanagement relations disputes, includes an application

for the commission to conduct an appropriate adjudicative proceeding whether or not the applicant, complainant, petitioner or grievant expressly requests such proceeding: PROVIDED, That an application for nomination of mediator(s) or arbitrators of impasse(s) in interest arbitration or grievance arbitration from a panel maintained for that purpose in accordance with RCW 47.64.210 or 47.64.240, and/or questions concerning fact-finding procedures or data shall not be deemed to be adjudicative in nature.

AMENDATORY SECTION (Amending Resolution No. 84-01, filed 3/20/84)

WAC 316-02-610 ((COMMISSION DECISIONS IN)) CONTESTED CASES—((SERVICE)) COMMENCEMENT. ((Every final order issued by the commission shall be served on each party or upon the person or organization designated by the party or by law to receive service of such papers; and a copy shall be furnished to any counsel or person appearing for a party in a representative capacity.)) An adjudicative proceeding commences when the commission, or assigned commissioner, or the administrative assistant to the commission notifies a party that a prehearing conference, hearing or other stage of an adjudicative proceeding will be conducted.

NEW SECTION

WAC 316-02-620 CONTESTED CASES—DENIAL OF APPLICATION. If the commission decides not to conduct an adjudicative proceeding in response to a complaint, petition or grievance, the commission shall serve the complainant, petitioner or grievant with a copy of its decision in writing, with a brief statement of the reason(s) for the commission's denial: PROVIDED, That the commission shall advise said complainant, petitioner or grievant as to the appropriate review of such denial: AND FURTHER PROVIDED, That unless the complainant, petitioner or grievant files a request for review within thirty days following receipt of the denial, the denial shall be entered as an order which shall be final and binding in accordance with RCW 47.64.280.

NEW SECTION

WAC 316-02-630 CONTESTED CASES—COMMISSION ACTION UPON FILING. Upon receipt of an application for adjudicative proceeding under WAC 316-02-600, other than a declaratory order, the commission shall proceed as follows:

- (1) Except in situations governed by subsection (2) or (3) of this section, within thirty days after receipt of the application or of the response to a timely request made by the commission under subsection (2) of this section, the commission shall commence an adjudicative proceeding in accordance with the appropriate chapter of these rules, or shall deny the application in accordance with WAC 316-02-620; or
- (2) Within thirty days after receipt of the application, the commission shall notify the complainant, petitioner or grievant of any obvious errors or omissions, request

any additional information the commission requires to make an initial determination scope or jurisdiction and is permitted by law to require, and shall notify said complainant, petitioner or grievant of the name, mailing address, and telephone number of an office that may be contacted regarding the application; or

(3) If the application seeks relief that is not available when the application is filed but may be available in the future, the commission may maintain the application on the commission's docket awaiting the expected availability of relief and shall notify the complainant, petitioner or grievant of the status of the application.

Reviser's note: The spelling error in the above section occurred in the copy filed by the agency and appears in the Register pursuant to the requirements of RCW 34.08.040.

NEW SECTION

WAC 316-02-640 CONTESTED CASES—EX PARTE COMMUNICATIONS. (1) Unless required for the disposition of ex parte matters specifically authorized by statute or unless necessary to procedural aspects of maintaining orderly process, neither the commission nor any commissioner nor employee of the commission may communicate, directly or indirectly, regarding any issue in an adjudicative proceeding, with any person not employed by the commission who has a direct or indirect interest in the outcome of the proceeding, without notice and opportunity for all parties to participate.

- (2) Unless necessary to procedural aspects of maintaining orderly process, persons to whom the commission or commissioner may not communicate under subsection (1) of this section, may not communicate with commissioners without notice and opportunity for all parties to participate.
- (3) If a commissioner receives an ex parte communication of a type that cannot properly be received, that commissioner shall promptly disclose the communication in the manner prescribed in RCW 34.05.455 (5), (6), and (7).

NEW SECTION

WAC 316-02-650 COMMISSION DECISIONS IN CONTESTED CASES—FORM AND CONTENT. Every decision and final order shall:

- (1) Be correctly captioned as to name of commission and name of proceeding;
- (2) Designate all parties and counsel to the proceeding;
- (3) Include a concise statement of the nature and background of the proceeding;
- (4) Be accompanied by appropriate numbered findings of fact and conclusions of law;
- (5) Whenever practical, the conclusions of law shall include the reason or reasons for the particular order or remedy afforded;
- (6) Wherever practical, the conclusions and/or order shall be referenced to specific provisions of the law and/or regulations appropriate thereto, together with reasons and precedents relied upon to support the same.

NEW SECTION

WAC 316-02-660 COMMISSION DECISIONS IN CONTESTED CASES—SERVICE. Every final order issued by the commission shall be served on each party or upon the person or organization designated by the party or by law to receive service of such papers; and a copy shall be furnished to any counsel or person appearing for a party in a representative capacity.

NEW SECTION

WAC 316-02-700 COMMISSION STRUCTURE. (1) The marine employees' commission, its staff and/or any designated representative maintains an impartial role in all proceedings involving the Washington state ferry system, its employees and their representatives, ferry users, and the general public.

- (2) The commission consists of three members, appointed by the governor with the advice and consent of the senate: One member appointed from labor, one member from industry and one public member who has significant knowledge of maritime affairs and who is chairman of the commission. The commission reserves unto itself all policy making functions. The members serve on a part-time basis. The commission may preside over adjudicative proceedings or may designate one of its members to preside. In the event that a single commissioner or other person acts as presiding officer, the commission is the appellate tribunal. Orders of the commission are final and binding upon the parties in accordance with RCW 47.64.280.
- (3) The administrative assistant appointed by the commission is the agency manager with authority to act in administrative and personnel matters. Authority is delegated to the administrative assistant to investigate complaints, conduct such hearings as permitted by statute and rule, conduct salary surveys, conduct employee representation elections, and generally act as the representative of and for the part-time commission.

READOPTED SECTION (Readopting Resolution No. 84-01, filed 3/20/84)

WAC 316-02-800 COMMISSION RECORDS—PUBLIC ACCESS. The commission will maintain for public inspection: (1) An index to all proceedings filed with and processed by the commission; (2) a docket for each proceeding filed with and processed by the commission showing the actions taken on and the final resolution of each such proceeding; (3) a schedule of hearing dates assigned in particular cases; and (4) the files for all proceedings, including all documents filed with the commission in the particular case, except materials held in confidence as provided in WAC 316-02-810.

AMENDATORY SECTION (Amending Resolution No. 84-01, filed 3/20/84)

WAC 316-02-810 COMMISSION RECORDS—CONFIDENTIALITY. The commission, in order to protect the privacy of individual employees and in order to respect the confidential nature of the mediation process and other labor-management relations processes,

shall not permit the disclosure to any person of (1) evidence filed as a showing of interest in support of a representation petition or motion for intervention, or (2) notes and memoranda made by any member of the commission or its staff as a recording of communication made or received while acting in the capacity of a mediator between the parties to a labor dispute.

READOPTED SECTION (Readopting Order 88-01, filed 4/29/88)

WAC 316-02-820 COMMISSION OFFICES. The commission maintains its office at Main Floor, S.W. Quadrant, Evergreen Plaza Building, Mailstop FJ-11, Olympia, Washington 98504.

READOPTED SECTION (Readopting Resolution No. 84-01, filed 3/20/84)

WAC 316-02-900 PETITIONS FOR RULE MAKING—WHO MAY PETITION. Any interested person may petition the commission requesting the promulgation, amendment, or repeal of any rule.

AMENDATORY SECTION (Amending Resolution No. 84-01, filed 3/20/84)

WAC 316-02-910 PETITIONS FOR RULE MAKING—FORM. Any interested person petitioning the commission requesting the promulgation, amendment or repeal of any rules shall generally adhere to the following form for such purpose.

At the top of the page shall appear the wording "Before the marine employees' commission." On the left side of the page below the foregoing the following caption shall be set out: "In the matter of the petition of (name of petitioning party) for (state whether promulgation, amendment or repeal) of rule (or rules)." Opposite the foregoing caption shall appear the words "petition for rule making."

The body of the petition shall be set out in numbered paragraphs. The first paragraph shall state the name and address of the petitioning party and whether petitioner seeks the promulgation of new rule or rules, or amendment or repeal of existing rule or rules. The second paragraph, in case of a proposed new rule or amendment of an existing rule, shall set forth the desired rule in its entirety. Where the petition is for repeal of an existing rule, such shall be stated and the rule proposed to be repealed shall either be set forth in full or shall be referred to by commission rule number. The third paragraph shall set forth concisely the reasons for the proposal of the petitioner and shall contain a statement as to the interest of the petitioner in the subject matter of the rule. Additional numbered paragraphs may be used to give full explanation of petitioner's reason for the action sought.

Petitions shall be dated and signed by the person or entity named in the first paragraph or by his attorney. The original and three legible copies of the petition shall be filed with the commission. ((Petitions shall be on white paper, 8 1/2" x 13" in size.))

AMENDATORY SECTION (Amending Resolution No. 84–01, filed 3/20/84)

PETITIONS FOR RULE WAC 316-02-920 MAKING-COMMISSION MUST CONSIDER. ((All)) Each petition((s)) shall be considered by the commission ((and)). The commission may, at its discretion, order a hearing for the further consideration and discussion of the requested promulgation, amendment, repeal, or modification of any rule.

AMENDATORY SECTION (Amending Resolution No. 84-01, filed 3/20/84)

WAC 316-02-930 PETITIONS FOR RULE MAKING-NOTICE OF DISPOSITION. The commission shall notify the petitioning party within a reasonable time of the disposition, if any, of the petition. If the commission denies the petition, the denial shall be served upon the petitioner.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 316-02-320 SUBPOENAS—SERVICE. WAC 316-02-330 SUBPOENAS-FEES.

WSR 90-01-116 PERMANENT RULES MARINE EMPLOYEES' COMMISSION

[Filed December 20, 1989, 2:47 p.m.]

Date of Adoption: December 5, 1989.

Purpose: Chapter 47.64 RCW charges Marine Employees' Commission with administration of labor management relations between WSF and the units certified as representing employees. Chapter 316-25 WAC prescribes the manner in which employee units become certified.

Citation of Existing Rules Affected by this Order: Amending WAC 316-25-001, 316-25-030, 316-25-050, 316-25-070, 316-25-090, 316-25-110, 316-25-190, 316-25-230, 316-25-250, 316-25-310, 316-25-350, 316-25-470, 316-25-510, 316-25-570, 316-25-590, 316-25-630 and 316-25-650.

Statutory Authority for Adoption: RCW 47.64.280 and 34.05.220.

Pursuant to notice filed as WSR 89-22-057 on October 31, 1989.

Changes Other than Editing from Proposed to Adopted Version: WAC 316-25-110 and 316-25-190 change from 90 days to 180 days the validity of authorization

Effective Date of Rule: Thirty-one days after filing. December 20, 1989

Louis O. Stewart Rules Coordinator Commissioner

AMENDATORY SECTION (Amending Resolution No. 84-01, filed 3/20/84)

SCOPE—CONTENTS— WAC 316-25-001 OTHER RULES. This chapter governs proceedings before the marine employees' commission on petitions for investigation of questions concerning representation of Washington state ferry system employees. The provisions of this chapter should be read in conjunction with the provisions of:

- (1) Chapter 10-08 WAC which contains rules promulgated by the chief administrative law judge governing the conduct of adjudicative proceedings under chapter 316-25 WAC, except:
- (a) WAC 10-08-035, which is supplanted by detailed requirements in WAC 316-25-070;
- (b) WAC 10-08-211, which is supplanted by WAC $31\overline{6-25-390}$, 316-25-590, 316-25-630, and 316-25-670; and
- (c) WAC 10-08-230, which is supplanted by WAC 316-25-005, 316-25-150, 316-25-220, 316-25-230, 316-25-250, and 316-25-270.
- (2) Chapter 316-02 WAC, which contains rules of practice and procedure applicable to all types of proceedings before the marine employees' commission.
- $((\frac{(2)}{2}))$ (3) Chapter 316-35 WAC, which contains rules relating to proceedings on petitions for clarification of an existing ferry system employees' bargaining unit.
- $((\frac{3}{3}))$ (4) Chapter 316-45 WAC, which contains rules relating to proceedings on complaints charging unfair labor practices in the Washington state ferry
- ((4))) (5) Chapter 316-55 WAC, which contains rules relating to resolution of impasses occurring in ferry system collective bargaining.
- $((\frac{5}{1}))$ (6) Chapter 316-65 WAC, which contains rules relating to arbitration of grievance disputes arising out of the interpretation or application of a collective bargaining agreement in the Washington state ferry system.
- ((6))) (7) Chapter 316-75 WAC, which contains rules relating to determination of union security disputes arising between ferry system employees and employee organizations certified or recognized as their bargaining representative.

READOPTED SECTION (Readopting Resolution No. 84-01, filed 3/20/84)

WAC 316-25-010 PETITION FOR INVESTI-GATION OF A QUESTION CONCERNING REP-RESENTATION OF EMPLOYEES—WHO MAY FILE. A petition for investigation of a question concerning representation of employees, hereinafter referred to as a "petition," may be filed by any employee of the Washington state ferry system, group of employees, employee organization, department of transportation, or their agents.

AMENDATORY SECTION (Amending Resolution No. 84-01, filed 3/20/84)

WAC 316-25-030 PETITION—TIME FOR FIL-ING. In order to be timely filed:

- (1) Where there is a valid written and signed collective bargaining agreement in effect covering an appropriate bargaining unit which includes any or all of the employees to be affected by the petition, a petition ((must)) may be filed during the period not more than ninety nor less than sixty days prior to the expiration date of the collective bargaining agreement, or after the expiration thereof.
- (2) Where a certification has been issued by the commission covering an appropriate bargaining unit which includes any or all of the employees to be affected by the petition, a petition ((must)) may be filed not less than twelve months following the date of the certification.
- (3) Where neither subsections (1) nor (2) of this section are applicable, a petition may be filed at any time.

AMENDATORY SECTION (Amending Resolution No. 84-01, filed 3/20/84)

WAC 316-25-050 PETITION FORM—NUMBER OF COPIES—FILING—SERVICE. Each petition shall be prepared on a form furnished by the commission or ((on a facsimile thereof)) shall be prepared in conformance with WAC 316-25-070. The original ((and three copies of the)) petition shall be filed with the commission at its Olympia office. The party filing the petition shall serve a copy on the department and on each employee organization named in the petition as having an interest in the proceedings.

AMENDATORY SECTION (Amending Resolution No. 84-01, filed 3/20/84)

WAC 316-25-070 CONTENTS OF PETITION. Each petition shall contain:

- (1) The name and address of the department and the name, address and telephone number of the department's principal representative in matters concerning relationships between the department and its <u>ferry system</u> employees.
- (2) A description of the bargaining unit which the petitioner claims to be appropriate, specifying inclusions and exclusions, and((, if known,)) the approximate number of employees in such bargaining unit.
- (3) The names and, if known, the addresses and telephone numbers of the principal representatives of any organizations which may claim to represent any of the employees in the bargaining unit which the petitioner claims to be appropriate.
- (4) A statement that: (a) The department declines, after having been requested to do so, to recognize the petitioner as the exclusive representative of the employees in the bargaining unit which the petitioner claims to be appropriate, or (b) the employees in the bargaining unit which the petitioner claims to be appropriate wish to change their exclusive bargaining representative, or (c) the employees in the bargaining unit do not wish to be represented by an employee organization.
 - (5) Any other relevant facts.
- (6) The name, address and affiliation, if any, of the petitioner and the name, address and telephone number of the principal representative, if any, of the petitioner.

(7) The signature and, if any, the title of the petitioner or its representative.

AMENDATORY SECTION (Amending Resolution No. 84-01, filed 3/20/84)

WAC 316-25-090 CONTENTS OF PETITION FILED BY DEPARTMENT. Each petition filed by the department shall contain all of the information required by WAC 316-25-070, except for that required by WAC 316-25-070(4)((:)), and shall conform to the following additional requirements:

- (1) Each petition filed by the department shall contain a statement that the department has been presented with a demand by an organization seeking recognition as the exclusive representative of the employees in the bargaining unit described in the petition.
- (2) WAC 316-25-110 shall not be applicable to such petitions.
- (3) Where the status of an incumbent exclusive bargaining representative is questioned, the department shall attach such affidavits and other documentation as may be available to it to demonstrate the existence of a good faith doubt concerning the representation of its employees. To constitute a basis for a good faith doubt under this subsection, signature documents provided to the department by employees must be in a form which would qualify as supporting evidence under WAC 316–25–110 if filed by the employees directly with the commission.

AMENDATORY SECTION (Amending Resolution No. 84-01, filed 3/20/84)

WAC 316-25-110 SUPPORTING EVIDENCE. The original petition shall be accompanied by a showing of interest indicating that the petitioner has the support of not less than thirty percent of the employees in the bargaining unit which the petitioner claims to be appropriate. The showing of interest must be timely filed under the same standards applicable to the petition, and must consist of individual authorization cards or letters signed and dated by employees in the bargaining unit claimed appropriate. Such authorization cards shall not be valid unless signed and dated during the ((ninety day)) one hundred eighty-day period preceding the filing of the petition or the filing of such evidence with the commission, whichever is later.

<u>READOPTED SECTION</u> (Readopting Resolution No. 84–01, filed 3/20/84)

WAC 316-25-130 LIST OF EMPLOYEES. The department shall submit to the commission a list containing the names and last known addresses of all of the employees in the bargaining unit described in the petition. Following administrative determination that the petition is supported by a sufficient showing of interest, the department shall, upon request, provide a copy of the list of names and addresses to the petitioner. Following granting of a motion for intervention, the department shall, upon request, provide a copy of the list of names and addresses to the intervenor.

NEW SECTION

WAC 316-25-140 NOTICE TO EMPLOYEES. The department shall post copies of a notice, specified by and furnished by the commission, advising of the existence of proceedings under this chapter, in conspicuous places on its premises where notices to affected employees are usually posted.

READOPTED SECTION (Readopting Resolution No. 84-01, filed 3/20/84)

WAC 316-25-150 AMENDMENT AND WITH-DRAWAL. Any petition may be amended or withdrawn by the petitioner under such conditions as the commission may impose.

READOPTED SECTION (Readopting Resolution No. 84-01, filed 3/20/84)

WAC 316-25-170 INTERVENTION—BY INCUMBENT REPRESENTATIVE. An organization which demonstrates that it has been the exclusive representative of all or any part of the bargaining unit involved in proceedings under this chapter during the year preceding the filing of the petition may, by motion, intervene in the proceedings and, upon granting of its motion for intervention, shall be entitled to participate in the proceedings and to have its name listed as a choice on the ballot in any election. No motion for intervention shall be considered if made after the close of the hearing on the petition or more than seven days after the filing and posting of an election agreement or cross—check agreement.

AMENDATORY SECTION (Amending Resolution No. 84-01, filed 3/20/84)

WAC 316-25-190 INTERVENTION-BY OR-GANIZATION OTHER THAN INCUMBENT. An organization not covered by WAC 316-25-170 may, by motion, intervene in proceedings under this chapter and, upon granting of its motion for intervention, shall be entitled to participate in the proceedings and have its name listed as a choice on the ballot in any election. The motion for intervention shall be supported by a showing of interest indicating that the intervenor has the support of not less than ten percent of the employees in the bargaining unit which the petitioner claims to be appropriate or of not less than thirty percent of the employees in whatever different bargaining unit the intervenor claims to be appropriate. The showing of interest must consist of individual authorization cards or letters signed and dated by employees in the bargaining unit claimed appropriate. Such authorization cards shall not be valid unless signed and dated during the ((ninety-day)) one hundred eighty-day period preceding the filing of such evidence with the commission. The showing of interest shall be made confidentially to the commission at or before the time the motion for intervention is made: PRO-VIDED, HOWEVER, That a motion for intervention may be granted conditionally subject to the subsequent furnishing of a showing of interest under such conditions as the commission may impose to avoid undue delay of the proceedings. No motion for intervention shall be considered if made after the close of the hearing on the petition or more than seven days after the filing and posting of an election agreement or cross—check agreement.

READOPTED SECTION (Readopting Resolution No. 84-01, filed 3/20/84)

WAC 316-25-210 SHOWING OF INTEREST CONFIDENTIAL. The question of whether a showing of interest requirement for a petition or for intervention has been satisfied is a matter for administrative determination by the commission and may not be litigated at any hearing. The commission shall not disclose the identities of employees whose authorization cards or letters are filed in support of a petition or motion for intervention. In order to preserve the confidentiality of the showing of interest and the right of employees freely to express their views on the selection of a bargaining representative, the commission shall not honor any attempt to withdraw or diminish a showing of interest.

NEW SECTION

WAC 316-25-220 PREHEARING CONFER-ENCES. The commission may conduct prehearing conferences to discuss with the parties all contested issues of law and fact which may arise in representation cases. The parties are encouraged to reach binding stipulations on all issues during the course of the prehearing conference. Such stipulations are to be embodied in election agreements, cross-check agreements, and/or supplemental agreements provided for in this chapter.

AMENDATORY SECTION (Amending Resolution No. 84-01, filed 3/20/84)

WAC 316-25-230 ELECTION AGREEMENTS. Where the department and all other parties agree on a representation election, they may file an election agreement with the commission. Such election agreement shall contain:

- (1) The name and address of the department and the name, address and telephone number of its principal representative.
- (2) The names and addresses of all other parties participating in the election agreement and the names, addresses and telephone numbers of their principal representatives.
- (3) A description of the bargaining unit agreed to be appropriate, specifying inclusions and exclusions, and the number of employees in such unit.
- (4) A statement by all parties that: (a) No organization is known which is or may be entitled to intervene as an incumbent representative, or (b) the incumbent representative is a party to the election agreement, or (c) the incumbent representative has abandoned the unit as evidenced by documentation attached to the election agreement.
- (5) A statement by all parties that no other organization is known which claims to represent any of the employees in the bargaining unit; that all parties agree that

a question concerning representation exists; that a hearing is waived; and that the commission is requested to proceed to conduct an election and certify the results.

- (6) A list, attached to the election agreement as an appendix, containing the names of the employees eligible to vote in the election and the eligibility cut—off date for the election. If the parties request that the election be conducted by mail ballot, the list shall include the last known address of each of the employees eligible to vote. If no eligibility cut—off date is specified by the parties, the eligibility cut—off date shall be the date on which the election agreement is filed.
- (7) The suggestions of the parties as to the location, the day or days of the week and the time or times of day for the conduct of the election, or that the election be conducted by mail ballot.
- (8) The signatures and, if any, the titles of all parties or their representatives.

The original and one copy of the election agreement shall be filed with the commission at its Olympia office, and copies shall be posted by the department in conspicuous places on the department's premises where notices to affected employees are usually posted. The election agreement shall remain posted for at least seven days after it is filed with the commission (ten days after it is deposited in the United States mail addressed to the commission).

Upon the filing of an election agreement conforming to the foregoing requirements and seeking an election in an appropriate bargaining unit, the commission representative(s) shall proceed to conduct an election. Objections to the election by a party to the election agreement shall be limited to matters relating to specific conduct affecting the results of the election.

READOPTED SECTION (Readopting Resolution No. 84-01, filed 3/20/84)

WAC 316-25-250 CROSS-CHECK AGREE-MENTS. Where only one organization is seeking certification as the representative of unrepresented employees, the department and the organization may file a cross-check agreement with the commission. Such cross-check agreement shall contain:

- (1) The name and address of the department and the name, address and telephone number of its principal representative.
- (2) The name and address of the organization and the name, address and telephone number of its principal representative.
- (3) The description of the bargaining unit agreed to be appropriate, specifying inclusions and exclusions and the number of employees in such unit.
- (4) A statement by the parties that no other organization is known which claims to represent any of the employees in the bargaining unit; that the parties agree that a question concerning representation exists; that a hearing is waived; and that the commission is requested to conduct and certify the results of a cross—check of individually signed and dated authorization cards or membership records submitted by the organization against the employment records of the department.

- (5) A list, attached to the cross—check agreement as an appendix, containing the names of the employees in the bargaining unit.
- (6) The suggestions of the parties as to the time and place where the records to be cross-checked can be made available to the commission.
- (7) The agreement of the parties to be bound by the results of the cross-check.
- (8) The signatures and, if any, the titles of the representatives of the parties.

The original and one copy of the cross—check agreement shall be filed with the commission at its Olympia office, and copies thereof shall be posted by the department in conspicuous places on the department's premises where notices to affected employees are usually posted. The cross—check agreement shall remain posted for at least seven days after it is filed with the commission (ten days after it is deposited in the United States mail addressed to the commission).

Upon the filing of a cross-check agreement conforming to the foregoing requirements and seeking a cross-check in an appropriate bargaining unit, the commission shall proceed with the cross-check of records. The cross-check may be conducted at any time following the execution of a cross-check agreement; but no certification shall be issued until seven days have elapsed following the filing and posting of the cross-check agreement. Where a motion for intervention is timely filed and granted, no certification shall be issued on the basis of the cross-check.

READOPTED SECTION (Readopting Resolution No. 84-01, filed 3/20/84)

WAC 316-25-270 SUPPLEMENTAL AGREE-MENTS. Where the parties are able to agree generally on the matters to be set forth in an election agreement under WAC 316-25-230 or a cross-check agreement under WAC 316-25-250, but are unable to agree on limited issues concerning the definition of the bargaining unit or employee eligibility, they may expedite the determination of the question concerning representation while reserving their disagreement for subsequent determination by filing a supplemental agreement under this rule together with an agreement under WAC 316-25-230 or 316-25-250. Such supplemental agreement shall contain:

- (1) The names of all parties to the election agreement or cross-check agreement and the case number of the proceedings.
- (2) Identification of the employees or classifications as to which a dispute exists, together with the identification of the position taken by each party on the dispute.
- (3) A statement by all parties requesting that employees affected by the supplemental agreement be permitted to vote by challenged ballot or be challenged for purposes of a cross—check, subject to a subsequent determination of the dispute; and that the certification of the results of the election or cross—check not be withheld pending the determination of the dispute unless the challenges are sufficient in number to affect the outcome.
- (4) The signatures and, if any, the titles, of the representatives of the parties.

The original and one copy of the supplemental agreement shall be filed with the commission together with the agreement filed under WAC 316-25-230 or 316-25-250, and shall be posted with such agreement.

Upon the filing of a supplemental agreement, the commission shall proceed with the determination of the question concerning representation. If the challenges are sufficient in number to affect the outcome, they shall be determined prior to the issuance of a certification. Otherwise, a conditional certification shall be issued which shall be amended upon final disposition of the issues framed in the supplemental agreement.

AMENDATORY SECTION (Amending Resolution No. 84-01, filed 3/20/84)

WAC 316-25-290 NOTICE OF HEARING. After a petition has been filed, if it appears to the commission that there is reasonable cause to believe that a question concerning representation exists, there shall be issued and served on the department and on all organizations listed in the petition and on any organization having theretofore intervened, a notice of hearing before ((a hearing officer)) the commission or an assigned commissioner at a time and place fixed therein. The commission shall furnish the department with copies of such notice, and the department shall post them in conspicuous places on its premises where notices to affected employees are usually posted. Any such notice of hearing may be amended or withdrawn at any time before the close of the hearing.

AMENDATORY SECTION (Amending Resolution No. 84-01, filed 3/20/84)

WAC 316-25-310 HEARINGS—WHO SHALL CONDUCT. Hearings may be conducted by the commission((5)) or by a member of the commission ((or by any other individual designated by the commission)) assigned as a hearing officer. At any time, ((a hearing officer)) the commission or another commissioner may be substituted for the hearing officer previously presiding.

READOPTED SECTION (Readopting Resolution No. 84-01, filed 3/20/84)

WAC 316-25-330 AUTHORITY OF HEARING OFFICER. The hearing officer shall have authority:

- (1) To administer oaths and affirmations;
- (2) To issue subpoenas in the name of the commission:
- (3) To rule on objections to evidence and offers of proof, receive relevant evidence and exclude irrelevant, immaterial or unduly repetitious evidence;
 - (4) To question witnesses;
- (5) To regulate the time, place and course of the hearing;
- (6) To dispose of procedural requests or other similar matters;
- (7) To hold conferences for the settlement, simplification or adjustment of issues; and
- (8) To take any other action authorized by these rules.

AMENDATORY SECTION (Amending Resolution No. 84-01, filed 3/20/84)

WAC 316-25-350 HEARINGS—NATURE AND SCOPE. Hearings shall be public and shall be limited to matters concerning the determination of the existence of a question concerning representation, the appropriate bargaining unit and questions of eligibility. It shall be the duty of the hearing officer to inquire fully into all matters in issue and to obtain a clear and complete factual record upon which the commission may discharge its duties under ((the pertinent statutes)) chapter 47.64 RCW and these rules.

READOPTED SECTION (Readopting Resolution No. 84-01, filed 3/20/84)

WAC 316-25-370 BLOCKING CHARGES—SUSPENSION OF PROCEEDINGS—REQUEST TO PROCEED. (1) Where representation proceedings have been commenced under this chapter and:

- (a) A complaint charging unfair labor practices is filed under the provisions of chapter 316-45 WAC; and
- (b) It appears that the facts as alleged may constitute an unfair labor practice; and
- (c) Such unfair labor practice could improperly affect the outcome of a representation election; the commission may suspend the representation proceedings under this chapter pending the resolution of the unfair labor practice case.
- (2) The complainant(s) in the unfair labor practice case may file a request to proceed, in writing, with the commission. Such request to proceed shall identify, by case number, the representation proceedings for which it is made, shall request that those representation proceedings be continued notwithstanding the pending unfair labor practice case, and shall acknowledge that the commission will not entertain objections based on conduct alleged in the unfair labor practice case. Upon the filing of a request to proceed conforming to the foregoing requirements the commission shall resume the processing of the representation petition and shall summarily dismiss any objections filed in conflict with the request to proceed.
- (3) Where a complaint charging unfair labor practices is filed after the filing of an election agreement or issuance of a direction of election, the commission shall proceed with the determination of the question concerning representation, subject to the right of any party to file objections as provided in WAC 316-25-590.

READOPTED SECTION (Readopting Resolution No. 84-01, filed 3/20/84)

WAC 316-25-390 PROCEEDINGS BEFORE A HEARING OFFICER. The hearing officer may proceed forthwith upon the record, after submission of briefs or after hearing, as may be appropriate. The hearing officer shall determine whether a question concerning representation exists, and shall issue a direction of election, dismiss the petition or make other disposition of the matter. Such actions shall be subject to review by the commission only as follows:

- (1) Except for rulings as to whether the department is subject to the jurisdiction of the commission, a direction of election and any accompanying rulings shall not be subject to review by the commission except upon objections timely filed under WAC 316-25-590.
- (2) An order of dismissal shall be subject to review by the commission on its own motion or at the request of any party made within twenty days following the date of the order. Briefs or written arguments shall be submitted as provided in WAC 316-25-650. Unless the matter is transferred to the commission for review, an order of dismissal issued by the hearing officer shall have the same force and effect as if issued by the commission.

READOPTED SECTION (Readopting Resolution No. 84-01, filed 3/20/84)

CROSS-CHECK OF RE-WAC 316-25-410 CORDS. Where a cross-check of records is to be conducted to determine a question concerning representation, the organization shall submit to the commission original individual cards or letters signed and dated by employees in the bargaining unit not more than ninety days prior to the filing of the petition and indicating that such employees authorize the named organization to represent them for the purposes of collective bargaining, or shall submit to the commission membership records maintained by the organization as a part of its business records containing the names of employees and indicating those employees currently members in good standing. The department shall make available to the commission original employment records maintained as a part of its business records containing the names and signatures of the employees in the bargaining unit. Prior to the commencement of the cross-check, the organization may file a request that the question concerning representation be determined by a representation election and such requests shall be honored. Where the organization files a disclaimer or a request for election after the commencement of the cross-check, the cross-check shall be terminated and the organization shall not seek to be certified in the bargaining unit for a period of at least one year thereafter. All cross-checks shall be by actual comparison of records submitted by the parties. The commission shall not disclose the names of employees giving representation authorization in favor of or appearing on the membership rolls of the organization. Upon the conclusion of the comparison of records, the commission officer conducting the cross-check shall prepare and furnish to the parties a tally sheet containing the number of employees in the bargaining unit, the number of employee records examined and the number of employee records counted as valid evidence of representation.

READOPTED SECTION (Readopting Resolution No. 84-01, filed 3/20/84)

WAC 316-25-430 NOTICE OF ELECTION. When an election is to be conducted, the commission shall furnish the department with appropriate notices,

and the department shall post them in conspicuous places on its premises where notices to affected employees are usually posted. The notice shall contain:

- (1) The description of the bargaining unit or voting group(s) in which the election is to be conducted.
- (2) The date(s), hours and polling place(s) for the election.
- (3) The cut-off date, if any, or other criteria to be applied in establishing eligibility to vote in the election.
- (4) A statement of the purpose of the election and the question to be voted upon or a sample ballot.

Notices of the election shall be posted for at least seven days prior to the opening of the polls. In computing such period, the day of posting shall be counted, but the day on which the polls are opened shall not be counted. The reproduction of any document purporting to suggest, either directly or indirectly, that the commission endorses a particular choice may constitute grounds for setting aside an election upon objections properly filed.

READOPTED SECTION (Readopting Resolution No. 84-01, filed 3/20/84)

WAC 316-25-450 DISCLAIMERS. An organization may file a disclaimer and have its name removed from the ballot: PROVIDED, HOWEVER, That if such a disclaimer is filed after the issuance of a notice of election, the organization filing the disclaimer shall not seek to be certified in that bargaining unit for a period of at least one year thereafter.

AMENDATORY SECTION (Amending Resolution No. 84-01, filed 3/20/84)

WAC 316-25-470 ELECTIONEERING. (1) The department and employee organizations are prohibited from making election speeches on the department's time to massed assemblies of employees within twenty-four hours before the scheduled time for the opening of the polls for an election conducted under "in person" voting procedures, or within the time period beginning with the issuance of ballots to employees for an election conducted under "mail ballot" voting procedures and ending with the tally of ballots.

(2) There shall be no electioneering at or about the polling place during the hours of voting.

Violations of this rule shall be grounds for setting aside an election upon objections properly filed.

READOPTED SECTION (Readopting Resolution No. 84-01, filed 3/20/84)

WAC 316-25-490 ELECTION PROCEDURES—BALLOTING. All elections shall be by secret ballot. Multiple questions, including unit determination elections, may be submitted to employees at the same time on separate ballots. Absentee balloting shall not be allowed. Each party may be represented by observers of its own choosing, subject to such limitations as the commission may prescribe: PROVIDED, HOWEVER, That no management official having authority over bargaining unit employees nor any officer or paid employee of an organization shall serve as observer.

AMENDATORY SECTION (Amending Resolution No. 84-01, filed 3/20/84)

WAC 316-25-510 CHALLENGED BALLOTS. Any observer or the election officer may challenge, for good cause, the eligibility of any person seeking to cast a ballot in the election. No person shall be denied the right to cast a challenged ballot. The election officer shall not have authority to resolve challenges at the polls, and the ballot of the challenged voter shall be placed in a sealed envelope identifying the voter and the observer or election officer challenging the eligibility of the voter. The ballot shall not be opened until the challenge is resolved. Any party may withdraw a challenge previously made and, unless the eligibility of the voter is challenged by another party or by the election officer, the challenge shall thereby be resolved. If the challenged ballots are insufficient in number to affect the results of the election, they shall be impounded and no ruling shall be made thereon. If the challenged ballots are sufficient in number to affect the results of the election, the election officer shall, after the close of the polls, ascertain the position of each party as to each challenged ballot and shall include such information in his report. If challenges raise material questions of fact which cannot be resolved without a hearing, there shall be issued and served on each of the parties a notice of hearing before the commission or ((a hearing officer)) assigned commissioner. The rules relating to the conduct of hearings on petitions shall govern hearings on challenges, except that the scope of the hearing shall be limited to matters relevant to the disposition of the challenged ballots. ((The hearing officer)) An assigned commissioner shall have authority to rule on all challenges except those made by a party to preserve an objection to a ruling previously made by the commission as to the eligibility of the challenged voter. If challenges of a type excepted from the authority of the ((hearing officer)) commissioner are sufficient in number to affect the results of the election, the matter shall be transferred to the commission for its determination under the provisions of WAC 316-25-670.

READOPTED SECTION (Readopting Resolution No. 84-01, filed 3/20/84)

WAC 316-25-530 VOTES NEEDED TO DETERMINE ELECTION. (1) Unit determination elections shall be decided by a majority of those eligible to vote in the election.

(2) Representation elections shall be decided by a majority of those voting. Where there are only two choices on the ballot, a tie vote shall result in a certification of no representative.

READOPTED SECTION (Readopting Resolution No. 84-01, filed 3/20/84)

WAC 316-25-550 TALLY SHEET. Upon closing the polls, the election officer shall prepare and furnish to each of the parties a tally of the votes cast on unchallenged ballots and the number of challenged ballots. After the subsequent resolution of challenged ballots affecting the results of the election, a revised tally shall be

issued and furnished to the parties. The tally shall indicate whether the results of the election were conclusive or inconclusive.

AMENDATORY SECTION (Amending Resolution No. 84-01, filed 3/20/84)

WAC 316-25-570 PROCEDURE FOLLOWING INCONCLUSIVE ELECTION. In any election in which there are more than two choices on the ballot, if none of the choices receives the number of votes necessary to determine the election, a run-off election shall be held providing for selection between the two choices receiving the largest numbers of valid ballots cast in the inconclusive election. Any organization ((to)) which would be excluded from a run-off election may file objections to specific conduct affecting the results of the inconclusive election. Where the choice of "no representative" is to be excluded from a run-off election, the department or decertification petitioner may file objections to specific conduct affecting the results of the inconclusive election. Such objections shall be resolved prior to the conduct of a run-off election. All run-off elections shall be determined as provided in WAC 316-25-530.

AMENDATORY SECTION (Amending Resolution No. 84-01, filed 3/20/84)

WAC 316-25-590 FILING AND SERVICE OF OBJECTIONS. Within seven days after the tally has been served under WAC 316-25-410 or under WAC 316-25-550, any party may file objections with the commission. Objections may consist of:

- (1) Designation of specific conduct improperly affecting the results of the election, by violation of these rules, by the use of deceptive campaign practices improperly involving the commission and its processes, by the use of forged documents, or by coercion or intimidation of or threat of reprisal or promise of reward to eligible voters; and/or
- (2) Designation of one or more previous rulings or directions in the matter which the objecting party desires to have reviewed by the commission.

Objections shall contain, in separate numbered paragraphs, statements of the specific conduct, if any, alleged to have improperly affected the results of the election and, in separate numbered paragraphs, the specific rulings or directions, if any, which the party filing the objections desires to have reviewed. The original ((and three copies)) copy of the objections shall be filed with the commission at its Olympia office, and the party filing the objections shall serve a copy on each of the other parties to the proceedings. Objections must be timely filed, whether or not challenged ballots are sufficient in number to affect the results of the election.

READOPTED SECTION (Readopting Resolution No. 84-01, filed 3/20/84)

WAC 316-25-610 PROCEDURE WHERE NO OBJECTIONS ARE FILED. If no objections are filed within the time set forth above, and if any challenged ballots are insufficient in number to affect the determination of the question concerning representation, and if

no run-off election is to be held, the election officer shall forthwith certify the results of the proceedings, with the same force and effect as if issued by the commission. The proceedings will thereupon be closed.

AMENDATORY SECTION (Amending Resolution No. 84-01, filed 3/20/84)

WAC 316-25-630 PROCEDURE WHERE OB-JECTIONS ARE FILED. (1) Objections to conduct improperly affecting the results of an election ((may)) shall be referred to a ((hearing officer)) commissioner for investigation. If the objections raise material questions of fact which cannot be resolved without a hearing, there shall be issued and served on each of the parties a notice of hearing before ((said hearing officer)) the commissioner. Hearings on objections to conduct affecting the results of an election may be consolidated with hearings on challenged ballots in the same proceeding. The rules relating to the conduct of hearings on petitions shall govern hearings on objections, except that the scope of the hearing shall be limited to matters relevant to the disposition of the objections.

(2) Objections to prior rulings and/or directions in the matter shall be referred directly to the commission.

AMENDATORY SECTION (Amending Resolution No. 84-01, filed 3/20/84)

WAC 316-25-650 BRIEFS AND WRITTEN AR-GUMENTS ON OBJECTIONS. All parties shall be entitled to submit briefs or written arguments for consideration by the commission. The briefs or written arguments of all parties shall be due simultaneously, as follows:

- (1) The deadline for the filing of briefs or written arguments shall be fourteen days following the ((later)) latter of:
- (a) The close of an investigation under WAC 316-25-630(1);
- (b) The issuance of a transcript of a hearing held under WAC 316-25-630(1); or
- (c) The filing of objections under WAC 316-25-590(2).
- (2) The commission or ((its designee)) assigned commissioner may, for good cause, grant any party an extension of the time for filing of its brief or written argument where a request for additional time is made prior to the deadline previously established.

The original ((and three copies of any)) brief or written argument shall be filed with the commission at its Olympia office and a copy shall be served on each of the other parties. If a party presents an issue which requires study of a statute, rule, regulation, or finding of fact, the party should set out the material portions of the text verbatim or include them by facsimile copy in the text or in an appendix to the brief.

READOPTED SECTION (Readopting Resolution No. 84-01, filed 3/20/84)

WAC 316-25-670 COMMISSION ACTION ON OBJECTIONS. In all cases where objections have been

filed, the entire record in the proceedings shall be transferred to the commission. The commission may request the parties to appear before it to make oral argument as to certain of the issues or all of the issues in the matter. The commission shall determine the objections and any challenged ballots referred to the commission pursuant to WAC 316-25-510, and shall issue appropriate orders.

WSR 90-01-117 PERMANENT RULES MARINE EMPLOYEES' COMMISSION

[Filed December 20, 1989, 2:49 p.m.]

Date of Adoption: December 5, 1989.

Purpose: When and if ferry employees want to be included in existing bargaining units, or excluded therefrom or recognized as members of different units, chapter 316-35 WAC provides the procedure, including mechanism for resolving disputes.

Citation of Existing Rules Affected by this Order: Amending WAC 316-35-001, 316-35-010, 316-35-030, 316-35-050, 316-35-090, 316-35-110, 316-35-130, 316-35-150, 316-35-170, 316-35-190, 316-35-210 and 316-35-250.

Statutory Authority for Adoption: RCW 47.64.280 and 34.05.220.

Pursuant to notice filed as WSR 89-22-058 on October 31, 1989.

Changes Other than Editing from Proposed to Adopted Version: WAC 316-35-010, single ferry system employees may not petition for clarification of an existing bargaining unit.

Effective Date of Rule: Thirty-one days after filing.

December 20, 1989 Louis O. Stewart Rules Coordinator Commissioner

AMENDATORY SECTION (Amending Resolution No. 84-01, filed 3/20/84)

WAC 316-35-001 SCOPE—CONTENTS—OTHER RULES. This chapter governs proceedings before the marine employees' commission on petitions for clarification of existing bargaining units. The provisions of this chapter should be read in conjunction with the provisions of:

- (1) Chapter 10-08 WAC which contains rules promulgated by the chief administrative law judge governing the conduct of adjudicative proceedings under chapter 316-35 WAC, except:
- (a) WAC 10-08-035, which is supplanted by detailed requirements in WAC 316-35-050;
- (b) WAC 10-08-211, which is supplanted by WAC 316-35-210 and 316-35-230; and
- (c) WAC 10-08-230, which is supplanted by WAC 316-35-070 and 316-35-160.
- (2) Chapter 316–02 WAC, which contains rules of practice and procedure applicable to all types of proceedings before the marine employees' commission.

- (((2))) (3) Chapter 316-25 WAC, which contains rules relating to proceedings on petitions for investigation of questions concerning representation of ferry system employees.
- (((3))) (4) Chapter 316-45 WAC, which contains rules relating to proceedings on complaints charging unfair labor practices in the Washington state ferry system.
- (((4) Chapter 316-55 WAC, which contains rules relating to resolution of impasses occurring in ferry system collective bargaining.))
- (5) Chapter 316-65 WAC, which contains rules relating to arbitration of grievance disputes arising out of the interpretation or application of a collective bargaining agreement in the Washington state ferry system.
- (6) Chapter 316-75 WAC, which contains rules relating to determination of union security disputes arising between ferry system employees and employee organizations certified or recognized as their bargaining representative.

AMENDATORY SECTION (Amending Resolution No. 84-01, filed 3/20/84)

WAC 316-35-010 PETITION FOR CLARIFICATION OF AN EXISTING BARGAINING UNIT—WHO MAY FILE. In the absence of a question concerning representation, a petition for clarification of an existing bargaining unit(s) may be filed by the department of transportation, (an) exclusive representative(s) of ferry system employees or its/their agents, or by the parties jointly.

AMENDATORY SECTION (Amending Resolution No. 84-01, filed 3/20/84)

WAC 316-35-030 PETITION FORM—NUMBER OF COPIES—FILING—SERVICE. Each petition for clarification of (an) existing bargaining unit(s) shall be prepared on a form furnished by the commission or shall be prepared in conformance with WAC 316-35-050. The original ((and three copies of the)) petition shall be filed with the ((agency)) commission at its Olympia office. If the petition is filed other than as a jointly filed petition, the party filing the petition shall serve a copy on the other party to the collective bargaining relationship in which the disagreement arises.

AMENDATORY SECTION (Amending Resolution No. 84-01, filed 3/20/84)

WAC 316-35-050 CONTENTS OF PETITION. Each petition for clarification of (an) existing bargaining unit(s) shall contain:

- (1) The name and address of the department and the name and title, if known, address and telephone number of the person designated by the department(('s principal')) as the official representative for ((the purposes of collective bargaining)) adjudicatory proceedings under chapter 47.64 RCW.
- (2) The name(s), address(es) and affiliation(s), if any, of the exclusive representative(s), and the name(s), address(es) and telephone number(s) of its/their principal representative(s).

- (3) The description of the existing bargaining unit, specifying inclusions and exclusions and the number of employees in such bargaining unit(s).
- (4) Identification of the proceeding in which any certification of representatives was issued or the date of the recognition agreement(s), and the history of any modifications of the bargaining unit(s) subsequent thereto.
- (5) A description of the proposed clarification, including the position(s), classification(s) or group(s) in issue, the number of employees in each such position, classification or group, the present bargaining unit inclusion or exclusion status of each such position, classification or group, and identification of the party proposing that the present status be changed.
- (6) The names and addresses of any other employee organizations claiming to represent any employees affected by the proposed clarification(s), and brief description(s) of the ((contracts)) collective bargaining agreement(s), if any, covering such employees.
- (7) A statement of the reasons for the proposed clarification.
 - (8) Any other relevant facts.
- (9) The signature(s) and((, if any,)) the title(s), if any, of the ((representative(s) of the)) petitioner(s) and/or his/their representative(s) and his/their title(s).

READOPTED SECTION (Readopting Resolution No. 84-01, filed 3/20/84)

WAC 316-35-070 AMENDMENT AND WITH-DRAWAL. Any petition may be amended or withdrawn by the petitioner(s) under such conditions as the commission may impose.

AMENDATORY SECTION (Amending Resolution No. 84-01, filed 3/20/84)

WAC 316-35-090 NOTICE OF HEARING. After a petition for clarification of an existing bargaining unit has been filed, if it appears to the commission that a disagreement exists which might appropriately be the subject of an order clarifying an existing bargaining unit, there shall be issued and served on the employer and on the exclusive representative a notice of hearing ((before a hearing officer at a time and place fixed therein)). The hearing notice shall contain:

- (1) The name(s), address(es) and telephone number(s) of the person(s) who filed the petition, and their representative(s) or counsel and their title(s), if known, and their address(es) and telephone number(s);
- (2) The name(s), address(es) and telephone number(s) of the exclusive bargaining unit(s) which the petitioner(s) want(s) clarified, and its/their principal representative(s) and titles, if known, and their addresses and telephone numbers;
- (3) The name, title, address, and telephone number of the person designated by the department as the official recipient of notices involving adjudicatory proceedings under chapter 47.64 RCW;
 - (4) The official case number for the proceeding;
- (5) The name, mailing address, and telephone number of the commissioner who is to be the presiding officer in the hearing;

- (6) A statement of the time, place, and nature of the hearing;
- (7) A statement of the legal authority under which the hearing is to be held;
- (8) A reference to the particular sections of the statute(s) and/or rule(s) involved;
- (9) A short and plain statement of the matter to be heard, as asserted by the commission;
- (10) An enumeration of the organizations and/or persons to whom copies of the notice are being provided;
- (11) A statement that the commission(er) will take official notice of the applicable collective bargaining agreement(s), if any, in effect at the time of the petition;
- (12) Notice of other specific evidence known by the commission(er) to be required, and which party will be required to submit such evidence; and
- (13) A statement that a party who fails to attend or participate, personally or by agent or counsel, in the hearing or other stage of the proceeding may be held in default

Any such notice may be amended or withdrawn prior to the close of the hearing.

AMENDATORY SECTION (Amending Resolution No. 84-01, filed 3/20/84)

WAC 316-35-110 CONSOLIDATION OF PROCEEDINGS. If a proceeding initiated by a petition for unit clarification under WAC 316-35-010 is pending at the same time as ((a proceeding)) another petition involving all or any part of the same bargaining units ((initiated by)) and/or a petition for investigation of a question concerning representation filed pursuant to WAC 316-25-010 is/are filed, the proceedings shall be consolidated and all issues concerning the description of the bargaining units shall be resolved in the consolidated proceedings.

AMENDATORY SECTION (Amending Resolution No. 84-01, filed 3/20/84)

WAC 316-35-130 HEARINGS—WHO SHALL CONDUCT. Hearings may be conducted by the commission((;)) or by a member of the commission((, or by any other individual)) designated by the commission as a hearing officer. At any time, a hearing officer may be substituted for the hearing officer previously presiding.

READOPTED SECTION (Readopting Resolution No. 84–01, filed 3/20/84)

WAC 316-35-150 AUTHORITY OF HEARING OFFICER. The hearing officer shall have the authority:

- (1) To administer oaths and affirmations;
- (2) To issue subpoenas in the name of the commission;
- (3) To rule upon objections to evidence and offers of proof, receive relevant evidence, and to exclude irrelevant, immaterial or unduly repetitious evidence;
 - (4) To question witnesses;
- (5) To regulate the time, place and course of the hearing;
- (6) To dispose of procedural requests or other procedural matters;

- (7) To hold conferences for the settlement, simplification or adjustment of issues; and
- (8) To take any other action authorized by these rules.

NEW SECTION

WAC 316-35-160 PREHEARING CONFER-ENCES. The commission may conduct prehearing conferences to discuss with the parties all contested issues of law and fact which may arise in unit clarification cases. The parties are encouraged to reach binding stipulations on all issues during the course of a prehearing conference. Such stipulations are to be embodied in proposed commission unit clarification orders, amendments to collective bargaining agreement security clauses, or other appropriate agreements.

AMENDATORY SECTION (Amending Resolution No. 84-01, filed 3/20/84)

WAC 316-35-170 HEARINGS—NATURE AND SCOPE. Hearings shall be public and shall be limited to matters concerning the determination of the petition for clarification of an existing bargaining unit unless the proceeding has been consolidated with another petition in accordance with WAC 316-35-110. It shall be the duty of the hearing officer to inquire fully into all matters in issue and to obtain a full and complete factual record upon which the commission may discharge its duties under ((the pertinent statutes)) chapter 47.64 RCW and these rules.

AMENDATORY SECTION (Amending Resolution No. 84-01, filed 3/20/84)

WAC 316-35-190 PROCEEDINGS BEFORE A HEARING OFFICER. ((The hearing officer)) An assigned commissioner may proceed forthwith upon the record, after submission of briefs or after hearing, as may be appropriate. The hearing officer shall determine the status of each position, classification or group of employees over which there is a disagreement and issue an order clarifying bargaining unit, dismiss the petition or make other disposition of the matter.

AMENDATORY SECTION (Amending Resolution No. 84-01, filed 3/20/84)

WAC 316-35-210 PROCEEDINGS BEFORE THE COMMISSION—PETITION FOR REVIEW. The final order of ((the hearing officer)) an assigned commissioner shall be subject to review by the commission on its own motion, or at the request of any party made within twenty days after the date of the order. The original ((and three copies of the)) petition for review shall be filed with the commission at its Olympia office and the party filing the petition shall serve a copy on the department and on any other parties. The petition for review shall identify the actions or rulings claimed to be in error. Any party to the proceeding may, within fourteen days after the filing of the petition for review, file briefs or written arguments for consideration by the commission. The original ((and three copies of any))

WAC

brief or written argument shall be filed with the commission at its Olympia office and a copy shall be served on the other party. The commission or ((a designee of the commission)) or assigned commissioner may, for good cause, grant any party an extension of the time for filing of its brief or written argument where a request for additional time is made prior to the deadline previously established. The commission may request the parties to appear before it to make oral argument as to certain of the issues or all of the issues.

<u>READOPTED SECTION</u> (Readopting Resolution No. 84–01, filed 3/20/84)

WAC 316-35-230 FILING AND SERVICE OF CROSS-PETITION FOR REVIEW. Where a petition for review has been timely filed under WAC 316-35-210, any party who has not previously filed a petition for review may, within seven days after the last date on which a petition for review may be filed, file a cross-petition for review. Such cross-petition for review shall be filed and served in the same manner as a petition for review. Upon the filing of a cross-petition for review, the deadline for the submission of briefs or written arguments shall be extended by seven days.

AMENDATORY SECTION (Amending Resolution No. 84-01, filed 3/20/84)

WAC 316-35-250 COMMISSION ACTION. The ((hearing officer)) assigned commissioner shall transfer the entire record in the proceeding to the commission. The commission shall determine the status of each position, classification or group covered by the petition for review, and shall ((issue)) enter appropriate orders, which shall be final and binding upon the parties in accordance with RCW 47.64.280.

WSR 90-01-118 PERMANENT RULES MARINE EMPLOYEES' COMMISSION

[Filed December 20, 1989, 2:51 p.m.]

Date of Adoption: December 5, 1989.

Purpose: Chapter 316-45 WAC provides a process for determining whether certain facts alleged against either ferry employee organizations or ferry system management constitute unfair acts in the meaning of RCW 47.64.130.

Citation of Existing Rules Affected by this Order: Amending WAC 316-45-001, 316-45-030, 316-45-050, 316-45-110, 316-45-130, 316-45-170, 316-45-190, 316-45-290, 316-45-310, 316-45-350, 316-45-410, 316-45-430 and 316-45-550.

Statutory Authority for Adoption: RCW 47.64.280 and 34.05.250.

Pursuant to notice filed as WSR 89-22-059 on October 31, 1989.

Changes Other than Editing from Proposed to Adopted Version: WAC 316-45-050, changes "relief" to "remedy" for clarifying purposes.

Effective Date of Rule: Thirty-one days after filing.

December 20, 1989

Louis O. Stewart
Rules Coordinator

Commissioner

Chapter 316–45 WAC UNFAIR LABOR PRACTICE CASE RULES

WAC	
316-45001	Scope—Contents—Other rules.
316-45003	Unfair labor practices—Defined.
316-45010	Complaint charging unfair labor prac-
	tices—Who may file.
316-45-030	((Form)) Complaint—Number of copies—Filing—Service.
316-45050	Contents of complaint charging unfair labor practices.
316-45-070	Amendment.
316-45-090	Withdrawal.
316-45-110	Initial processing of complaint.
316-45-130	Examiner—Who may act.
316-45-150	Authority of examiner.
316-45-170	Notice of hearing.
316-45-190	Answer—Filing and service.
316-45-210	Answer—Contents and effect of failure to answer.
316-45-230	Amendment of answer.
316-45-250	Motion to make complaint more defi-
5.0 . 5 2 50	nite and certain.
316-45-270	Hearings—Nature and scope.
316-45-290	Briefs and proposed findings.
316–45–310	((Examiner)) Unfair labor practice— Decision.
316-45-330	Withdrawal or modification of examiner decision.
316-45-350	Petition for review of examiner decision.
316-45-370	Filing and service of cross-petition for review.
316-45-390	Commission action.
316-45-410	Unfair labor practice remedies.
316-45-430	Motion for temporary relief.
316-45-550	Collective bargaining—((Policy))
	0 0 0

AMENDATORY SECTION (Amending Resolution No. 84-01, filed 3/20/84)

Mandatory subjects.

WAC 316-45-001 SCOPE—CONTENTS—OTHER RULES. This chapter governs proceedings before the marine employees' commission on complaints charging unfair labor practices. The provisions of this chapter should be read in conjunction with the provisions of:

- (1) Chapter 10-08 WAC, which contains rules promulgated by the chief administrative law judge governing the conduct of adjudicative proceedings under chapter 316-45 WAC, except:
- (a) WAC 10-08-035, which is supplanted by detailed requirements in WAC 316-45-050;
- (b) WAC 10-08-211, which is supplanted by WAC 316-45-350 and 316-45-370; and

- (c) WAC 10-08-230, which is supplanted by WAC 316-45-070, 316-45-090, and 316-45-260.
- (2) Chapter 316–02 WAC, which contains rules of practice and procedure applicable to all types of proceedings before the marine employees' commission.
- (((2))) (3) Chapter 316-25 WAC, which contains rules relating to proceedings on petitions for investigation of questions concerning representation of ferry system employees.
- (((3))) (4) Chapter 316-35 WAC, which contains rules relating to petitions for clarification of existing ferry system employees' bargaining units.
- (((4))) (5) Chapter 316-55 WAC, which contains rules relating to resolution of impasses occurring in ferry system collective bargaining.
- (((5))) (6) Chapter 316-65 WAC, which contains rules relating to arbitration of grievance disputes arising out of the interpretation or application of a collective bargaining agreement in the Washington state ferry system.
- (((6))) (7) Chapter 316-75 WAC, which contains rules relating to determination of union security disputes arising between ferry system employees and employee organizations certified or recognized as their bargaining representative.
- (8) Chapter 316-85 WAC, which contains rules relating to surveys of compensation, benefits and conditions of employment required by chapter 47.64 RCW.

NEW SECTION

- WAC 316-45-003 UNFAIR LABOR PRACTIC-ES—DEFINED. (1) It is an unfair labor practice for ferry system management or its representatives:
- (a) To interfere with, restrain, or coerce employees in the exercise of the rights guaranteed by chapter 47.64 RCW:
- (b) To dominate or interfere with the formation or administration of any employee organization or contribute financial or other support to it: PROVIDED, That subject to rules made by the commission pursuant to RCW 47.64.130 and 47.64.280 an employer shall not be prohibited from permitting employees to confer with it or its representatives or agents during working hours without loss of time or pay;
- (c) To encourage or discourage membership in any employee organization by discrimination in regard to hiring, tenure of employment, or any term or condition of employment, but nothing contained in this subsection prevents an employer from requiring, as a condition of continued employment, payment of periodic dues and fees uniformly required to an exclusive bargaining representative pursuant to RCW 47.64.160: PROVIDED, That nothing prohibits ferry system management from agreeing to obtain employees by referral from a lawful hiring hall operated by or participated in by a labor organization;
- (d) To discharge or otherwise discriminate against an employee because he has filed charges or given testimony concerning subjects covered by chapter 47.64 RCW;
- (e) To refuse to bargain collectively with the representatives of its employees.

- (2) It is an unfair labor practice for an employee organization:
- (a) To restrain or coerce (i) employees in the exercise of the rights guaranteed by this chapter: PROVIDED, That this paragraph does not impair the right of an employee organization to prescribe its own rules with respect to the acquisition or retention of membership therein, or (ii) an employer in the selection of his representatives for the purposes of collective bargaining or the adjustment of grievances;
- (b) To cause or attempt to cause an employer to discriminate against an employee in violation of subsection (1)(c) of this section;
- (c) To refuse to bargain collectively with an employer, when it is the representative of employees subject to RCW 47.64.170.
- (3) The expression of any view, argument, or opinion, or the dissemination thereof to the public, whether in written, printed, graphic, or visual form, shall not constitute or be evidence of an unfair labor practice under any of the provisions of this chapter, if the expression contains no threat of reprisal or force or promise of benefit.

READOPTED SECTION (Readopting Resolution No. 84-01, filed 3/20/84)

WAC 316-45-010 COMPLAINT CHARGING UNFAIR LABOR PRACTICES—WHO MAY FILE. A complaint charging that any person has engaged in or is engaging in an unfair labor practice, hereinafter referred to as a "complaint" may be filed by any employee, group of employees, employee organization, the department of transportation, or their agents.

AMENDATORY SECTION (Amending Resolution No. 84-01, filed 3/20/84)

WAC 316-45-030 ((FORM)) COMPLAINT—NUMBER OF COPIES—FILING—SERVICE. Charges shall be in writing, in the form of a complaint of unfair labor practices. The original ((and three copies)) copy of the complaint shall be filed with the commission at its Olympia office. The party filing the complaint shall serve a copy on each party named as a respondent.

AMENDATORY SECTION (Amending Resolution No. 84-01, filed 3/20/84)

WAC 316-45-050 CONTENTS OF COM-PLAINT CHARGING UNFAIR LABOR PRACTIC-ES. Each complaint shall contain, in separate numbered paragraphs:

- (1) The name and address of the party filing the complaint, hereinafter referred to as the complainant, and the name, address and telephone number of its principal representative.
- (2) The name(s) and address(es) of the person(s) charged with engaging in, or having engaged in, unfair labor practices, hereinafter referred to as the respondent(s), and, if known, the names, addresses and telephone numbers of the principal representatives of the respondent(s).

- (3) Clear and concise statements of the facts constituting the alleged unfair labor practices, including times, dates, places and participants in occurrences.
- (4) A listing of the ((sections)) subsections of ((the Revised Code of Washington (RCW))) RCW 47.64.130 and/or WAC 316-45-003 alleged to have been violated.
- (5) A statement of the ((relief)) remedy sought by the complainant.
- (6) The signature and, if any, the title of the person filing the complaint.

READOPTED SECTION (Readopting Resolution No. 84-01, filed 3/20/84)

WAC 316-45-070 AMENDMENT. Any complaint may be amended upon motion made by the complainant.

READOPTED SECTION (Readopting Resolution No. 84-01, filed 3/20/84)

WAC 316-45-090 WITHDRAWAL. Any complaint may be withdrawn by the complainant under such conditions as the commission may impose.

AMENDATORY SECTION (Amending Order 88-1, filed 4/29/88)

WAC 316-45-110 INITIAL PROCESSING OF COMPLAINT. The commission or ((its designee)) an assigned commissioner shall determine whether the facts as alleged may constitute an unfair labor practice within the meaning of RCW 47.64.130 and WAC 316-45-003. If it is determined that the facts as alleged do not, as a matter of law, constitute a violation, the commission or ((designee)) commissioner shall issue and cause to be served on all parties an order of dismissal containing the reasons therefor; otherwise, the commission or ((designee)) commissioner shall cause the contents of the charge to be issued and served as a complaint of unfair labor practices((, shall assign the matter to an examiner and shall notify the parties of such assignment)). An order of dismissal issued pursuant to this section by an examiner other than the commission shall be subject to a petition for review as provided in WAC 316-45-350.

AMENDATORY SECTION (Amending Resolution No. 84-01, filed 3/20/84)

WAC 316-45-130 EXAMINER—WHO MAY ACT. The examiner may be the commission or a member of the commission ((or any other individual)) designated by the commission. Upon notice to all parties, an examiner may be substituted for the examiner previously presiding.

<u>READOPTED SECTION</u> (Readopting Resolution No. 84-01, filed 3/20/84)

WAC 316-45-150 AUTHORITY OF EXAMIN-ER. The examiner shall have the authority:

- (1) To administer oaths and affirmations;
- (2) To issue subpoenas in the name of the commission;

- (3) To rule upon objections to evidence and offers of proof, receive relevant evidence and to exclude irrelevant, immaterial or unduly repetitious evidence;
 - (4) To question witnesses;
- (5) To regulate the time, place, and course of the hearing;
- (6) To dispose of procedural requests or other similar matters;
- (7) To hold conferences for the settlement, simplification or adjustment of issues;
- (8) To make and issue findings of fact, conclusions of law and orders:
- (9) To take any other action authorized by these rules.

AMENDATORY SECTION (Amending Resolution No. 84-01, filed 3/20/84)

WAC 316-45-170 NOTICE OF HEARING. Notwithstanding WAC 316-02-170, at least twenty days prior to a hearing, the examiner shall issue and cause to be served on the parties a notice of hearing at a time and place specified therein. Attached to the notice of hearing shall be a copy of the complaint as approved under WAC 316-45-110. The notice of hearing shall specify the date for the filing of an answer, which shall be not less than ten days prior to the date set for hearing. Any such notice of hearing may be amended or withdrawn before the close of the hearing.

AMENDATORY SECTION (Amending Resolution No. 84-01, filed 3/20/84)

WAC 316-45-190 ANSWER—FILING AND SERVICE. ((The)) Each respondent(((s))) shall, on or before the date specified therefor in the notice of hearing, file with the examiner the original ((and three copies)) copy of its answer to the complaint, and shall serve a copy on the complainant.

READOPTED SECTION (Readopting Resolution No. 84-01, filed 3/20/84)

WAC 316-45-210 ANSWER—CONTENTS AND EFFECT OF FAILURE TO ANSWER. An answer filed by a respondent shall specifically admit, deny or explain each of the facts alleged in the complaint, unless the respondent is without knowledge, in which case the respondent shall so state, such statement operating as a denial. The failure of a respondent to file an answer or the failure to specifically deny or explain in the answer a fact alleged in the complaint shall, except for good cause shown, be deemed to be an admission that the fact is true as alleged in the complaint, and as a waiver of the respondent of a hearing as to the facts so admitted.

READOPTED SECTION (Readopting Resolution No. 84-01, filed 3/20/84)

WAC 316-45-230 AMENDMENT OF AN-SWER. The respondent may amend its answer at any time prior to the hearing. During the hearing or subsequent thereto, it may amend its answer in any case where the complaint has been amended, within such period as may be fixed by the examiner or the commission. Whether or not the complaint has been amended, the answer may, in the discretion of the examiner or the commission, be amended upon motion under such terms and within such period as may be fixed by the examiner or the commission.

READOPTED SECTION (Readopting Resolution No. 84-01, filed 3/20/84)

WAC 316-45-250 MOTION TO MAKE COM-PLAINT MORE DEFINITE AND CERTAIN. If a complaint is alleged by a respondent to be so indefinite as to hamper the respondent in the preparation of its answer, such respondent may, on or before the date specified for the filing of an answer, file a motion requesting an order directing that the complaint be made more definite and certain. Such motion shall be filed with the examiner and served by the moving party on the complainant and on any other parties. The filing of such motion will extend the time during which the respondent must file and serve an answer until such date as the commission or examiner may set. The examiner may require the complainant to file and serve a statement supplying information necessary to make the complaint definite and certain.

READOPTED SECTION (Readopting Resolution No. 84-01, filed 3/20/84)

WAC 316-45-270 HEARINGS-NATURE AND SCOPE. Hearings shall be public and shall be adversary in nature, limited to matters concerning the unfair labor practices alleged in the complaint. The complainant shall prosecute its own complaint and shall have the burden of proof. It shall be the duty of the examiner to inquire fully into the facts as to whether the respondent has engaged in or is engaging in an unfair labor practice so as to obtain a clear and complete factual record on which the examiner and commission may discharge their duties under these rules: PROVIDED, HOWEVER, That such duty of the examiner shall not be construed as authorizing or requiring the examiner to undertake the responsibilities of the complainant with respect to the prosecution of its complaint or of the respondent with respect to the presentation of its defense.

AMENDATORY SECTION (Amending Resolution No. 84-01, filed 3/20/84)

WAC 316-45-290 BRIEFS AND PROPOSED FINDINGS. Any party shall be entitled, upon request made before the close of the hearing, to file a brief or proposed findings of fact, conclusions of law and order, or both, at such time as may be fixed by the examiner. The ((examiner)) commission or assigned commissioner may direct the filing of briefs when he or she deems such filing warranted by the nature of the proceeding or of particular issues therein. The original copy of a brief or proposed finding shall be filed with the commission or commissioner and a copy shall be served upon all other parties.

AMENDATORY SECTION (Amending Resolution No. 84-01, filed 3/20/84)

WAC 316-45-310 ((EXAMINER)) UNFAIR LABOR PRACTICE—DECISION. After the close of the hearing and the filing of all briefs, the examiner shall make a decision containing findings of fact, conclusions of law and order. If the examiner is a single member of the commission, he/she shall file the original decision with the commission and shall cause a copy thereof to be served on each of the parties. Any party may file a petition for review thereof with the commission. If the commission is the examiner, the decision and order shall be entered and shall be served on all parties and the commission decision shall be final and binding upon the parties in accordance with RCW 47.64.280.

READOPTED SECTION (Readopting Resolution No. 84-01, filed 3/20/84)

WAC 316-45-330 WITHDRAWAL OR MODI-FICATION OF EXAMINER DECISION. On the examiner's own motion or on the motion of any party, the examiner may set aside, modify, change or reverse any findings of fact, conclusions of law or order at any time within twenty days following the issuance thereof, if any mistake is discovered therein or upon grounds of newly discovered evidence which could not with reasonable diligence have been discovered and produced at the hearing: PROVIDED, HOWEVER, That this section shall be inoperative after the filing of a petition for review with the commission.

AMENDATORY SECTION (Amending Resolution No. 84-01, filed 3/20/84)

WAC 316-45-350 PETITION FOR REVIEW OF EXAMINER DECISION. The examiner's findings of fact, conclusions of law and order shall be subject to review by the commission on its own motion, or at the request of any party made within twenty days following the date of the order issued by the examiner. The original ((and three copies of the)) petition for review shall be filed with the commission at its Olympia office, and the party filing the petition shall serve a copy on each of the other parties to the proceeding. Such petition for review shall contain, in separate numbered paragraphs, statements of the specific findings, conclusions, orders or rulings on which the party filing the petition seeks review by the commission. A petition for review shall have attached to it any appeal brief or written argument which the party filing the petition for review desires to have considered by the commission. Other parties to the proceeding shall have fourteen days following the date on which they are served with a copy of such petition for review and accompanying brief or written argument to file a responsive brief or written argument. The commission or its designee may, for good cause, grant any party an extension of the time for filing of its brief or written argument. In the event no timely petition for review is filed, and no action is taken by the commission on its own motion within thirty days following the examiner's final order, the findings of fact, conclusions of law and order of the examiner shall automatically become the

findings of fact, conclusions of law and order of the commission and shall have the same force and effect as if issued by the commission.

READOPTED SECTION (Readopting Resolution No. 84-01, filed 3/20/84)

WAC 316-45-370 FILING AND SERVICE OF CROSS-PETITION FOR REVIEW. Where a petition for review has been timely filed under WAC 316-45-350, any party who has not previously filed a petition for review may, within seven days after the last date on which a petition for review may be filed, file a cross-petition for review. Such cross-petition shall be filed and served in the same manner as a petition for review. Upon the filing of a cross-petition for review, the deadlines for the submission of briefs or written arguments shall be extended by seven days.

READOPTED SECTION (Readopting Resolution No. 84-01, filed 3/20/84)

WAC 316-45-390 COMMISSION ACTION. On its own motion, or on the filing of a petition for review, the entire record in the proceeding shall be transferred to the commission, and thereafter all motions and arguments shall be directed to the commission. The commission may request the parties to appear before it to make oral arguments as to certain of the issues or all of the issues in the matter. The commission shall, on the basis of the record and any briefs or arguments submitted to it on review, determine the matter.

AMENDATORY SECTION (Amending Resolution No. 84-01, filed 3/20/84)

WAC 316-45-410 UNFAIR LABOR PRACTICE REMEDIES. ((If an unfair labor practice is found to have been committed, the commission or its examiner shall issue a remedial order.)) If upon the preponderance of evidence the commission or commissioner shall conclude that any person named in the complaint has engaged in or is engaging in any unfair labor practice, then the commission or commissioner shall state its findings of fact and cause to be served on such person an order requiring him or her to cease and desist from such unfair labor practice and to take such affirmative and corrective action as necessary to effectuate the policies of RCW 47.64.005 and 47.64.006, including but not limited to reinstatement of employees with or without back pay. In calculating back pay orders, the following shall apply:

- (1) Employee(s) reinstated to employment with back pay shall have deducted from any amount due an amount equal to any earnings such employee(s) may have received during the period of the violation in substitution for the terminated employment, calculated on a quarterly basis.
- (2) Employee(s) reinstated to employment with back pay shall have deducted from any amount due an

amount equal to any unemployment compensation benefits such employee(s) may have received during the period of the violation, and the employer shall provide evidence to the commission that such amount has been repaid to the Washington state department of employment security as credit to the benefit record of the employee(s).

(3) Money amounts due shall be subject to interest at the rate which would accrue on a civil judgment of the Washington state courts, from the date of the violation to the date of payment.

AMENDATORY SECTION (Amending Resolution No. 84-01, filed 3/20/84)

WAC 316-45-430 MOTION FOR TEMPORARY RELIEF. In addition to the remedies available under WAC 316-45-410, any complainant in an unfair labor practice proceeding may file a motion requesting that the commission seek appropriate temporary relief through the superior court, and all such motions shall be processed as provided in this section.

- (1) The complainant shall, at the time its complaint is filed or as soon thereafter as facts giving rise to the request for temporary relief become known, provide written notice to the commission ((or its designee)) of its intent to make a motion for temporary relief and shall, at the same time, serve a copy of such notice on each of the other parties to the proceedings.
- (2) Upon the filing of a notice of intent to make a motion for temporary relief, the commission ((or its designee)) shall expedite the processing of the matter under WAC 316-45-110.
- (3) After the determination of the commission ((or designee)) that the complaint states a cause of action, any complainant desiring temporary relief may file with the commission ((or designee)) a motion for temporary relief together with affidavits as to the risk of irreparable harm and the adequacy of legal remedies, and shall serve a copy of such motion and affidavits on all other parties to the proceedings. The other parties shall have seven calendar days thereafter to file and serve counteraffidavits.
- (4) The ((designee shall forward all such motions and affidavits to the)) commission((, which)) shall determine whether an injunction pendente lite should be sought. In making such determination, the commission shall adhere to the following policy:

"The name and authority of the marine employees' commission shall not be invoked in connection with a request for temporary relief prior to the completion of administrative proceedings under WAC 316-45-010, et seq., unless it appears that one or more of the allegations in the complaint of unfair labor practices is of such a nature that, if sustained, the complainant would have no fair or adequate remedy and the complainant would suffer irreparable harm unless the status quo be preserved pending the completion of administrative proceedings."

- (a) If the commission concludes that temporary relief should be sought, the commission ((or its designee)) with the assistance of the attorney general, shall petition the superior court of Thurston county or the county wherein the person who is alleged to be engaging in unfair labor practices resides or transacts business for an injunction pendente lite.
- (b) Whenever temporary relief has been procured, the complaint which has been the basis for such temporary relief shall be heard expeditiously and the case shall be given priority over all other cases except cases of like character.
- (c) If the commission concludes that temporary relief should not be sought prior to the conclusion of administrative proceedings in the matter, such determination shall not bar renewal of the request for temporary relief following the completion of administrative proceedings in which unfair labor practice violations have been found to exist.

AMENDATORY SECTION (Amending Order 88-1, filed 4/29/88)

WAC 316-45-550 COLLECTIVE BARGAIN-ING—((POLICY)) MANDATORY SUBJECTS. ((H is the policy of the commission to promote bilateral collective bargaining negotiations between the department and the exclusive representatives of its employees in accordance with RCW 47.64.006 and 47.64.130. Such parties are encouraged to engage in free and open exchange of proposals and positions on all matters coming into the dispute between them.))The commission deems the determination as to whether a particular subject is mandatory or nonmandatory to be a question of law and fact to be determined by the commission, and which is not subject to waiver by the parties by their action or inaction. It is the policy of the commission that a party which engages in collective bargaining with respect to any particular issue does not and cannot thereby confer the status of a mandatory subject on a nonmandatory subject.

WSR 90-01-119 PERMANENT RULES MARINE EMPLOYEES' COMMISSION

[Filed December 20, 1989, 2:52 p.m.]

Date of Adoption: December 5, 1989.

Purpose: RCW 47.64.120 and 47.64.150 provide for grievance procedures in general terms. Chapter 316-65 WAC provides the specific procedures for adjudication, including investigation and correction of said grievance.

Citation of Existing Rules Affected by this Order: Repealing WAC 316-65-090, 316-65-110, 316-65-130 and 316-65-500; and amending WAC 316-65-001, 316-65-101, 316-65-030, 316-65-050, 316-65-150, 316-65-510, 316-65-515, 316-65-525, 316-65-530, 316-65-535, 316-65-540, 316-65-545 and 316-65-550.

Statutory Authority for Adoption: RCW 47.64.280 and 34.05.220.

Pursuant to notice filed as WSR 89-22-125 on November 1, 1989.

Changes Other than Editing from Proposed to Adopted Version: WAC 316-65-050 narrows definition of "department" to "marine division."

Effective Date of Rule: Thirty-one days after filing.

December 20, 1989 Louis O. Stewart Rules coordinator Commissioner

AMENDATORY SECTION (Amending Resolution No. 84-01, filed 3/20/84)

WAC 316-65-001 SCOPE—CONTENTS—OTHER RULES. This chapter governs proceedings before the marine employees' commission relating to arbitration of grievance disputes arising out of the interpretation or application of a collective bargaining agreement. The provisions of this chapter should be read in conjunction with the provisions of:

- (1) Chapter 10-08 WAC, which contains rules promulgated by the chief administrative law judge governing the conduct of adjudicative proceedings under chapter 316-45 WAC, except:
- (a) WAC 10-08-035, which is supplanted by detailed requirements in WAC 316-65-050;
- (b) WAC 10-08-211, which is supplanted by WAC 316-65-550 and 316-65-555; and
- (c) WAC 10-08-230, which is supplanted by WAC 316-65-515.
- (2) Chapter 316-02 WAC, which contains rules of practice and procedure applicable to all types of proceedings before the marine employees' commission.
- (((2))) (3) Chapter 316-25 WAC, which contains rules relating to proceedings on petitions for investigation of questions concerning representation of ferry system employees.
- (((3))) (4) Chapter 316-35 WAC, which contains rules relating to proceedings on petitions for clarification of an existing ferry system employees' bargaining unit.
- (((4))) (5) Chapter 316-45 WAC, which contains rules relating to proceedings on complaints charging unfair labor practices in the Washington state ferry system.
- (((5))) (6) Chapter 316-55 WAC, which contains rules relating to the resolution of impasses occurring in ferry system collective bargaining.
- (((6))) (7) Chapter 316-75 WAC, which contains rules relating to determination of union security disputes arising between ferry system employees and employee organizations certified or recognized as their bargaining representative.
- (8) Chapter 316-85 WAC, which contains rules relating to surveys of compensation, benefits, and conditions of employment required by chapter 47.64 RCW.

NEW SECTION

WAC 316-65-005 GRIEVANCE DEFINED. "Grievance" means a formal statement alleging injury, injustice, or violation of rights granted by rule, statute, or collective bargaining agreement: PROVIDED, That

any alleged violations enumerated in RCW 47.64.130 shall be termed "unfair labor practices" and shall be processed under chapter 316-45 WAC.

AMENDATORY SECTION (Amending Resolution No. 84-01, filed 3/20/84)

WAC 316-65-010 GRIEVANCE ((ARBITRA-TION))—WHO MAY FILE. ((Where there is an agreement to arbitrate, a request for appointment of an arbitrator to hear and determine issues arising out of the interpretation or application of a collective bargaining agreement)) A statement of grievance may be filed by the department of transportation, an exclusive representative of employees or their agents, an employee, or by the parties jointly((: PROVIDED, That invoking arbitration shall be only with the approval of the employee organization)), in accordance with chapter 47.64 RCW.

NEW SECTION

GRIEVANCES-ARBI-WAC 316-65-020 TRATION REQUEST—LIMITATIONS. Unless another purpose is stated by the party filing a statement of grievance, it shall be construed as a request for grievance arbitration by the commission in accordance with RCW 47.64.150. The commission shall consider such a request for arbitration valid only after any applicable dispute remedies in the pertinent collective bargaining agreement have been exhausted, and within the time limits specified in such agreement. If the collective bargaining agreement does not contain a remedial procedure for disputes, or upon showing good cause for not exhausting prearbitration remedies, a party may file the original request for arbitration directly with the commission. Unless otherwise specified in the agreement, a request for grievance arbitration must be filed not more than ninety days after the party filing such grievance knew or should have known of the alleged injury, injustice, or violation.

AMENDATORY SECTION (Amending Resolution No. 84-01, filed 3/20/84)

WAC 316-65-030 GRIEVANCE ARBITRA-TION—FILING—SERVICE. Each grievance arbitration request ((for appointment of a grievance arbitrator)) shall be on a form furnished by the commission or shall be prepared by the party or parties filing the request in conformance with WAC 316-65-050. The original request shall be filed with the commission at its Olympia office. If the request is not filed jointly, the party filing the request shall serve a copy on the other party (respondent) to the collective bargaining agreement under which the dispute arises in accordance with WAC 316-02-150.

AMENDATORY SECTION (Amending Resolution No. 84-01, filed 3/20/84)

WAC 316-65-050 GRIEVANCE ARBITRA-TION—CONTENTS OF REQUEST. Each grievance arbitration request ((for appointment of a grievance arbitrator)) shall contain:

- (1) The name, address and telephone number of the department and the name, address and telephone number of the ((department's)) marine division's principal representative for the purposes of collective bargaining.
- (2) The name, address and telephone number of the exclusive employee representative and the name, address and telephone number of its principal representative.
- (3) Identification of the request as: (a) A request for appointment of an arbitrator; (b) a request for arbitration of a grievance dispute arising under chapter 47.64 RCW; or (c) a request for the submission of a list of names from the dispute resolution panel created by WAC 316-55-110.
- (4) A ((description of the grievances or issues to be submitted to arbitration)) clear and concise statement of the facts constituting the alleged injury, injustice or violation, including names, dates, places and participants in the occurrence(s), and the number of employees affected thereby.
- (5) A statement that the remedial processes of the pertinent collective bargaining agreement have been utilized and exhausted, or a statement of cause as to the reason(s) why such processes were not utilized.
- (6) The agreement of the requesting party, or the parties jointly, that the arbitrator's decision on the grievance shall not change or amend the terms, conditions, or applications of the collective bargaining agreement.
- $((\frac{(6)}{(6)}))$ (7) The agreement of the requesting party, or the parties jointly, that the arbitration award shall be final and binding upon the parties.
- (((7))) (8) The signature(s) and, if any, title(s) of the representative(s) of the requesting party (parties).

NEW SECTION

WAC 316-65-060 AMENDMENT OF GRIEV-ANCE. A grievance may be amended by the grievant(s) at any time prior to or during any prehearing conference.

NEW SECTION

WAC 316-65-070 GRIEVANCE ARBITRA-TION—DESIGNATION OF ARBITRATOR. Upon the filing of an arbitration request, the commission shall acknowledge receipt of such request, with a copy to respondent(s), notifying him or her of the case number assigned to the grievance and the designation of the arbitrator, who may be the commission or one of the commissioners.

NEW SECTION

WAC 316-65-080 GRIEVANCE ARBITRA-TION—NOTICE OF HEARING. Not later than thirty days after receipt of an arbitration request and not less than seven days before the hearing, the arbitrator shall serve written notice of hearing to the grievant with a copy to the respondent(s) and to the representative(s) and/or counsel of each. The notice of hearing shall contain:

(1) The name(s) and address(es) of the person(s) who filed the grievance, and his/her/their representative(s)

or counsel and their title(s), if known, addresses and telephone numbers;

- (2) The name(s) and address(es), of the respondent(s) named in the grievance, and his/her/their representative(s) or counsel and their title(s), if known, and their address(es) and telephone number(s);
- (3) The name(s) and address(es) of any other person(s) to whom notice is being given and, if known, the names and addresses of their representatives;
- (4) The official commission case number for the proceeding;
- (5) The name, title, mailing address, and telephone number of the arbitrator who shall be the presiding officer;
- (6) A statement of the time, place, and nature of the hearing;
- (7) A statement of the legal authority and jurisdiction under which the hearing is to be held;
- (8) A reference to the particular sections of the statutes and rules involved;
- (9) A short and plain statement of the matter asserted by the commission:
- (10) A statement that the arbitrator will take official notice of the collective bargaining agreement, if any, in effect at the time of the alleged injury, injustice, or violation;
- (11) Notice of other specific evidence known by the arbitrator to be required, and which party will be required to submit such evidence; and
- (12) A statement that a party who fails to attend or participate in the hearing or other stage of the arbitration may be held in default.

AMENDATORY SECTION (Amending Resolution No. 84-01, filed 3/20/84)

WAC 316-65-150 GRIEVANCE ARBITRA-TION—EXPENSES. Each party shall pay the expenses of presenting its own case and the expenses and fees of its member, if any, of an arbitration panel. The expenses of witnesses shall be paid by the party producing them. The fees and traveling expenses of an arbitrator selected by the parties from a panel designated by the commission and any costs for recording and/or transcription of proceedings to be used by the parties shall be paid by the parties under the terms of their collective bargaining agreement or such other arrangements as they may agree upon. The commission shall pay the salary and traveling expenses of a commissioner ((or other designee)) assigned as a grievance arbitrator((, but shall pay no other expenses of the proceedings)).

AMENDATORY SECTION (Amending Resolution No. 84-01, filed 3/20/84)

WAC 316-65-510 INTERVENTION AND CON-SOLIDATION OF ((PROCEEDINGS)) GRIEVANC-ES. (1) Motion for intervention: Any person, not a party, who desires to appear and participate in any proceeding before the commission ((under this subchapter)) may make a written motion for intervention prior to the hearing or make an oral motion for intervention at the outset of the hearing. No such motion shall be filed or

- made after the hearing of evidence has commenced, except for good cause shown. The motion for intervention must state the name and address of the moving party; the name, address and telephone number of its principal representative, if any; the party's interest in the proceedings; and the party's position in regard to the labor dispute.
- (2) Disposition of motion for intervention: Motions for intervention shall be considered first at all hearings, or may be set for prior hearing. An opportunity shall be afforded the original parties to be heard thereon. If it appears that the motion discloses an interest in the labor dispute or that participation by the moving party is in the public interest, the commission shall grant the motion. Thereafter, the moving party shall be a party to the proceedings with the same right to produce and cross-examine witnesses as the other parties. If it appears during the course of proceedings that an intervenor has no substantial interest therein, the commission may dismiss such intervenor.
- (3) On its own motion or at the motion of any party, the commission may consolidate proceedings on two or more notices where the facts or principles of law are related.

AMENDATORY SECTION (Amending Resolution No. 84-01, filed 3/20/84)

WAC 316-65-515 CONDUCT OF GRIEVANCE ARBITRATION PROCEEDINGS. (1) Prehearing conferences and hearings may be conducted by the commission((;)) or by a member of the commission((; or by any other person designated by the commission as examiner)) assigned as arbitrator. At any time, an ((examiner)) arbitrator may be substituted for the ((examiner)) arbitrator previously presiding. ((An examiner shall have authority:

- (†)) (2) The arbitrator shall conduct the arbitration proceedings in the manner provided in the collective bargaining agreement under which the dispute arises. All such arbitrators shall maintain compliance with the "Code of Professional Responsibility for Arbitrators of Labor-Management Disputes" adopted by the National Academy of Arbitrators, the American Arbitration Association, and the Federal Mediation and Conciliation Service in effect on December 1, 1977: PROVIDED, HOWEVER, That arbitration matters processed under this chapter shall be filed in the public files of the commission and shall not be accorded the privacy required by such code: AND PROVIDED FURTHER, That if any statute or commission rule conflicts with aforesaid "Code," the statute or rule shall prevail.
 - (3) The arbitrator shall have the authority:
 - (a) To administer oaths and affirmations;
- (((2))) (b) To issue subpoenas ((in the name of the commission));
- (((3))) (c) To rule on objections to evidence and offers of proof, receive relevant evidence and exclude irrelevant, immaterial or unduly repetitious evidence;
 - (((4))) (d) To question witnesses;
- $((\frac{5}{)}))$ (e) To regulate the time, place and course of the hearing;

- $((\frac{(6)}{6}))$ (f) To dispose of procedural requests or other similar matters;
- (((7))) (g) To hold conferences for the settlement, simplification or adjustment of issues in accordance with WAC 316-02-210 and 316-02-220;
- (((8))) (h) To make and issue an arbitration award on the matters in dispute, subject to the right of any party to petition for review of such award by the commission in accordance with WAC 316-65-550; and
- (((9))) (j) To take any other action authorized by these rules.
- (4) Any party who proceeds with arbitration after knowledge that any provision or requirement of these rules has not been complied with and who fails to state its objection thereto in writing, shall be deemed to have waived its right to object.

AMENDATORY SECTION (Amending Resolution No. 84-01, filed 3/20/84)

WAC 316-65-525 GRIEVANCE HEARING WAIVER. ((The commission or its designated examiner shall establish a date, time and place for a hearing and shall provide reasonable notice thereof to the parties. Where it appears to the commission or examiner that an emergency exists warranting consideration of interim relief, a hearing may be scheduled for that purpose on less notice than that provided by WAC 316-02-170. For good cause shown, the commission or examiner may adjourn the hearing upon the request of a party or upon its own initiative.)) The parties may waive oral hearing by written agreement.

AMENDATORY SECTION (Amending Resolution No. 84-01, filed 3/20/84)

WAC 316-65-530 ORDER OF PROCEEDINGS AND EVIDENCE. The order of presentation at the hearing shall be as agreed by the parties or as determined by the ((agency)) arbitrator. All evidence shall be taken in the presence of all parties, unless a party is absent in default or has waived its right to be present. The ((commission or examiner)) arbitrator may make, and take official notice of the results of, its own inspection of the conditions involved. Two copies of each documentary exhibit shall be filed with the ((commission)) arbitrator and copies shall be provided to the other parties.

AMENDATORY SECTION (Amending Resolution No. 84-01, filed 3/20/84)

WAC 316-65-535 ARBITRATION IN THE AB-SENCE OF A PARTY. The ((commission or examiner)) <u>arbitrator</u> may proceed in the absence of any party who, after due notice, fails to be present or fails to obtain an adjournment. Except for good cause shown, the failure of a party to appear shall constitute grounds for dismissal of its claim or granting of relief against it, as may be appropriate.

NEW SECTION

WAC 316-65-538 WITHDRAWAL OF GRIEV-ANCE. A grievance may be withdrawn by the

grievant(s) at any time prior to the close of hearing under WAC 316-65-540 under such conditions as the commission or assigned commissioner may impose.

AMENDATORY SECTION (Amending Resolution No. 84-01, filed 3/20/84)

WAC 316-65-540 CLOSING OF HEARING. The hearing shall be deemed closed after the parties have completed presenting their testimony and/or exhibits and have filed briefs within agreed time limits. The ((commission or examiner)) arbitrator may direct the filing of briefs when it deems such filing warranted by the nature of the proceedings or of particular issues therein.

AMENDATORY SECTION (Amending Resolution No. 84-01, filed 3/20/84)

WAC 316-65-545 ((EXAMINER)) GRIEV-ANCE ARBITRATION DECISION. After the close of the hearing and the filing of all briefs, the ((examiner)) arbitrator shall issue an arbitration award on the matters in dispute((. The examiner shall file the original decision with the commission)) and shall cause a copy thereof to be served on each of the parties. If the arbitrator is a single commissioner, he/she may issue a proposed award, subject to commission review under WAC 316-65-550; or he/she may transfer the entire record to the commission for a final decision under WAC 316-65-555.

AMENDATORY SECTION (Amending Resolution No. 84-01, filed 3/20/84)

WAC 316-65-550 PETITION FOR REVIEW OF ((EXAMINER)) COMMISSIONER DECISION. The ((examiner's)) commissioner's proposed award shall be subject to review by the commission on its own motion, or ((at the request)) on the petition of any party, made within twenty days following the date of the proposed award issued by the ((examiner)) commissioner. The ((original and three copies of the)) petition for review shall be filed with the commission at its Olympia office and the party filing the petition shall serve a copy on each of the other parties to the proceeding. Such petition for review shall contain, in separate numbered paragraphs, statements of the specific orders or rulings on which the party filing the petition seeks review by the commission. A petition for review shall have attached to it any appeal brief or written argument which the party filing the petition for review desires to have considered by the commission. Other parties to the proceeding shall have ((fourteen)) ten days following the date on which they are served with a copy of such petition for review and accompanying brief or written argument to file a responsive brief or written argument. The commission may, for good cause, grant any party an extension of the time for filing of its brief or written argument. In the event no timely petition for review is filed, and no action is taken by the commission on its own motion within thirty days following the ((examiner's final)) commissioner's proposed order, the arbitration award of the ((examiner)) <u>arbitrator</u> shall automatically become final and binding.

AMENDATORY SECTION (Amending Resolution No. 84-01, filed 3/20/84)

WAC 316-65-555 COMMISSION ACTION. On its own motion, or on the filing of a petition for review, the entire record in the proceeding shall be transferred to the commission, and thereafter all motions and arguments shall be directed to the commission. The commission may request the parties to appear before it to make oral arguments as to certain of the issues or all of the issues in the matter. The commission shall, on the basis of the entire record and any briefs or arguments submitted to it on review, issue the final and binding arbitration award on the matter.

AMENDATORY SECTION (Amending Resolution No. 84-01, filed 3/20/84)

WAC 316-65-560 GRIEVANCE ARBITRA-TION REMEDIES. If ((a violation of a collective bargaining agreement is found to have been committed, the commission or its examiner shall issue a remedial order)) upon the preponderance of evidence the arbitrator or commission shall conclude that any person named in the complaint has committed acts or is committing acts which have resulted in injury, injustice, or violation of rights granted by rule, statute or collective bargaining agreement, then the arbitrator or commission shall state its findings of fact and conclusions of law and cause to be served on such person a remedial order requiring him or her to cease and desist from such acts and to take such affirmative and corrective action as necessary to restore grievant's rights and to effectuate the policies of RCW 47.64.005 and 47.64.006, including but not limited to reinstatement of employees with or without back pay. In calculating back pay orders, the following shall apply:

- (1) Employee(s) reinstated to employment with back pay shall have deducted from any amount due an amount equal to any earnings such employee(s) may have received during the period of the violation in substitution for the terminated employment, calculated on a quarterly basis.
- (2) Employee(s) reinstated to employment with back pay shall have deducted from any amount due an amount equal to any unemployment compensation benefits such employee(s) may have received during the period of the violation, and the department shall provide evidence to the commission that such amount has been repaid to the Washington state department of employment security as a credit to the benefit record of the employee.
- (3) Money amounts due shall be subject to interest at the rate which would accrue on a civil judgment of the Washington state courts, from the date of the violation to the date of payment.

NEW SECTION

WAC 316-65-600 OTHER LAW. Nothing in chapter 316-65 WAC is intended to diminish the constitutional rights of any person or to limit or modify additional requirements imposed by statute, including the Administrative Procedure Act.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 316-65-090 GRIEVANCE ARBITRA-TION—DESIGNATION OF PANEL OF ARBITRATORS.

WAC 316-65-110 GRIEVANCE ARBITRATION—CONDUCT OF PROCEEDINGS.

WAC 316-65-130 GRIEVANCE ARBITRATION—AWARD.

WAC 316-65-500 GRIEVANCE ARBITRATION—EXCLUSIVE PROCEDURES.

WSR 90-01-120 PERMANENT RULES MARINE EMPLOYEES' COMMISSION

[Filed December 20, 1989, 2:54 p.m.]

Date of Adoption: December 5, 1989.

Purpose: Chapter 316-75 WAC governs proceedings before the Marine Employees' Commission relating to union security disputes between employees and employee organizations certified or recognized as their bargaining representatives. When and if an employee asserts a right to not pay union dues, based upon religious scruples, and the union protests, chapter 316-75 WAC provides procedures for adjudicating the dispute.

Citation of Existing Rules Affected by this Order: Repealing WAC 316-75-290; and amending WAC 316-75-001, 316-75-050, 316-75-090, 316-75-110, 316-75-150, 316-75-170, 316-75-190, 316-75-250 and 316-75-270.

Statutory Authority for Adoption: RCW 47.64.280 and 34.05.220.

Pursuant to notice filed as WSR 89-22-060 on October 31, 1989.

Any Changes Other than Editing from Proposed to Adopted Version: WAC 316-75-110 narrows definition of "department" to "marine division."

Effective Date of Rule: Thirty-one days after filing.

December 20, 1989 Louis O. Stewart Rules Coordinator Commissioner

AMENDATORY SECTION (Amending Resolution No. 84-01, filed 3/20/84)

WAC 316-75-001 SCOPE—CONTENTS—OTHER RULES. This chapter governs proceedings before the marine employees' commission relating to union

security disputes arising between employees and employee organizations certified or recognized as their bargaining representative. The provisions of this chapter should be read in conjunction with the provisions of:

(1) Chapter 10-08 WAC, which contains rules promulgated by the chief administrative law judge governing the conduct of adjudicative proceedings under chapter 316-75 WAC, except:

(a) WAC 10-08-035, which is supplanted by detailed requirements in WAC 316-75-050;

(b) WAC 10-08-211, which is supplanted by WAC 316-75-270; and

(c) WAC 10-08-230, which is supplanted by WAC 316-75-150.

(2) Chapter 316–02 WAC, which contains rules of practice and procedure applicable to all types of proceedings before the marine employees' commission.

(((2))) (3) Chapter 316-25 WAC, which contains rules relating to proceedings on petitions for investigation of questions concerning representation of ferry system employees.

(((3))) (4) Chapter 316-35 WAC, which contains rules relating to proceedings on petitions for clarification of an existing ferry system employees' bargaining unit.

(((4))) (5) Chapter 316-45 WAC, which contains rules relating to proceedings on complaints charging unfair labor practices in the Washington state ferry system.

(((5) Chapter 316-55 WAC, which contains rules relating to the resolution of impasses occurring in ferry system collective bargaining.))

(6) Chapter 316-65 WAC, which contains rules relating to arbitration of grievance disputes arising out of the interpretation or application of a collective bargaining agreement in the Washington state ferry system.

READOPTED SECTION (Readopting Resolution No. 84-01, filed 3/20/84)

WAC 316-75-010 UNION SECURITY—OBLIGATION OF EXCLUSIVE BARGAINING REPRESENTATIVE. An exclusive bargaining representative which desires to enforce a union security provision contained in a collective bargaining agreement negotiated under the provisions of chapter 47.64 RCW shall provide each affected employee with a copy of the collective bargaining agreement containing the union security provision and shall specifically advise each employee of his or her obligation under that agreement, including informing the employee of the amount owed, the method used to compute that amount, when such payments are to be made, and the effects of a failure to pay.

<u>READOPTED SECTION</u> (Readopting Resolution No. 84-01, filed 3/20/84)

WAC 316-75-030 UNION SECURITY—AS-SERTION OF RIGHT OF NONASSOCIATION. An employee who, pursuant to RCW 47.64.160, asserts a right of nonassociation based on bona fide religious tenets or teachings of a church or religious body of which such employee is a member shall notify the exclusive bargaining representative, in writing, of the claim of a right of nonassociation and shall, at the same time, provide the exclusive bargaining representative with the name(s) and address(es) of one or more nonreligious charitable organizations to which the employee is prepared to make alternative payments in lieu of the payments required by the union security provision.

AMENDATORY SECTION (Amending Resolution No. 84-01, filed 3/20/84)

WAC 316-75-050 UNION SECURITY—RE-SPONSE BY EXCLUSIVE BARGAINING REPRE-SENTATIVE. Within ((sixty)) thirty days after it is served with written notice of a claimed right of nonassociation under WAC 316-75-030, the exclusive bargaining representative shall respond to the employee, in writing, both as to the eligibility of the employee to make alternative payments and as to the charitable organization(s) suggested by the employee. If a dispute exists concerning whether the employee is within a class of employees obligated under the terms of the union security provision, all such matters of contractual interpretation shall be resolved under such procedures as may be available for unit clarification, under chapter 316-35 WAC, or resolution of disputes concerning the interpretation or application of the collective bargaining agreement, under chapter 316-65 WAC.

READOPTED SECTION (Readopting Resolution No. 84-01, filed 3/20/84)

WAC 316-75-070 UNION SECURITY—FIL-ING OF DISPUTE WITH COMMISSION. In the event of a disagreement between an employee and his or her exclusive bargaining representative as to the eligibility of such employee to make alternative payments or as to the organization which is to receive such payments, either the employee or the exclusive bargaining representative may file with the commission a petition for a declaratory ruling on the union security obligations of the affected employee.

AMENDATORY SECTION (Amending Resolution No. 84-01, filed 3/20/84)

WAC 316-75-090 UNION SECURITY—PETITION FORM—NUMBER OF COPIES—FILING—SERVICE. Each petition for declaratory ruling on union security obligations shall be prepared in conformance with WAC 316-75-110. The original ((and three copies of the)) petition shall be filed with the commission at its Olympia office, and the party filing the petition shall serve a copy on the other party to the dispute and on the ((employer)) department.

AMENDATORY SECTION (Amending Resolution No. 84-01, filed 3/20/84)

WAC 316-75-110 UNION SECURITY—CONTENTS OF PETITION. Each petition shall be headed "In the matter of the petition of (name of petitioning party) for a declaratory ruling concerning the union security obligations of (name of affected employee(s)) under a collective bargaining agreement between (((name)))

of employer))) Washington state department of transportation, marine division, and (name of exclusive bargaining representative)," and shall contain:

- (1) The name and address of the marine division of the department and the name, address and telephone number of the ((department's principal representative for the purposes of collective bargaining)) person(s) designated by the department as its representative(s) for adjudicatory proceedings under chapter 47.64 RCW.
- (2) The name, address and affiliation, if any, of ((the)) petitioner's exclusive representative, and the name, address and telephone number of its principal representative, if any.
- (3) The name, address and telephone number of the affected employee(s) and the name, address and telephone number of his ((or))/her/their representative.
- (4) Statements, in additional numbered paragraphs, of the matters in dispute.
- (5) A copy, attached to the petition as an exhibit, of the union security provision under which the dispute arises.
 - (6) Any other relevant facts.
- (7) The signature(s) and, if any, the title(s) of the petitioner(s) and/or his/her/their representative(s) ((of the petitioner(s))).

READOPTED SECTION (Readopting Resolution No. 84-01, filed 3/20/84)

WAC 316-75-130 UNION SECURITY—ESCROW OF DISPUTED FUNDS BY DEPARTMENT. Upon being served with a copy of a petition filed under WAC 316-75-070, the department shall preserve the status quo by withholding and retaining the disputed dues for periods during the pendency of the proceedings before the commission. Said funds shall draw interest at the rate provided by commercial banks for regular passbook savings accounts. While the proceedings remain pending before the commission, the department shall not honor or otherwise act upon any request for discharge or other action against the affected employee based on the employee's union security obligations.

AMENDATORY SECTION (Amending Resolution No. 84-01, filed 3/20/84)

WAC 316-75-150 UNION SECURITY—IN-VESTIGATION—SETTLEMENT. The commission shall refer the petition under dispute to one of its members ((or other designee)), who shall conduct an investigation and such prehearing conferences as may be necessary to determine the relative positions of the parties and the facts and authorities relied upon by them((, and shall issue a report in conformance with WAC 316-02-220)). He/she shall encourage the parties to reach agreement, expressed in stipulations binding on all parties. If the parties do not reach agreement, the commissioner shall issue a declaratory order which either grants or denies the petition, subject to commission review under WAC 316-02-230, or shall order a hearing under WAC 316-75-170.

AMENDATORY SECTION (Amending Resolution No. 84-01, filed 3/20/84)

WAC 316-75-170 UNION SECURITY—NOTICE OF HEARING. If the petition raises material questions of fact which cannot be resolved without a hearing, and if summary disposition under WAC 316-02-230 is not appropriate, there shall be issued and served on each of the parties to the dispute and on the department a notice of hearing before ((a hearing officer at a time and place fixed therein)) the commission or a commissioner. Any such notice and hearing and further proceedings shall be in accordance with chapter 316-35 or 316-65 WAC and WAC 316-75-050, as the commission directs. Any such notice may be amended or withdrawn prior to the close of the hearing.

AMENDATORY SECTION (Amending Resolution No. 84-01, filed 3/20/84)

WAC 316-75-190 UNION SECURITY—HEARINGS—WHO SHALL CONDUCT. Hearings may be conducted by the commission or ((by any other person designated by)) a member of the commission assigned as a hearing officer. At any time, a hearing officer may be substituted for the hearing officer previously presiding.

AMENDATORY SECTION (Amending Resolution No. 84-01, filed 3/20/84)

WAC 316-75-210 AUTHORITY OF HEARING OFFICER. The hearing officer shall have the authority((:

- (1) To administer oaths and affirmations;
- (2) To issue subpoenas in the name of the commission;
- (3) To rule upon objections to evidence and offers of proof, receive relevant evidence, and to exclude irrelevant, immaterial or unduly repetitious evidence;
 - (4) To question witnesses;
- (5) To regulate the time, place and course of the hearing;
- (6) To dispose of procedural requests or other procedural matters;
- (7) To hold conferences for the settlement, simplification or adjustment of issues; and
- (8) To take any other action authorized by these rules)) granted by WAC 316-35-150 or 316-65-515, whichever is applicable.

READOPTED SECTION (Readopting Resolution No. 84-01, filed 3/20/84)

WAC 316-75-230 HEARINGS—NATURE AND SCOPE. Hearings shall be public and shall be limited to matters concerning the determination of the eligibility of the employee to make alternative payments and the designation of an organization to receive such alternative payments.

AMENDATORY SECTION (Amending Resolution No. 84-01, filed 3/20/84)

WAC 316-75-250 PROCEEDINGS BEFORE THE HEARING OFFICER. After the close of the hearing, the ((hearing officer)) assigned commissioner may proceed forthwith upon the record, after submission of briefs or after further hearing, as may be appropriate, ((to determine)) and shall issue and serve on the parties an order determining the matter, or shall refer the matter back to the commission. Thereupon he/she shall transfer the entire record in the proceeding to the commission.

AMENDATORY SECTION (Amending Resolution No. 84-01, filed 3/20/84)

WAC 316-75-270 PROCEEDINGS BEFORE THE COMMISSION—PETITION FOR REVIEW. The final order of the hearing officer shall be subject to review by the commission on its own motion, or at the request of any party made within twenty days following the date of the order issued by the hearing officer. The original ((and three copies of the)) petition for review shall be filed with the commission at its Olympia office, and the party filing the petition shall serve a copy on the other party to the proceeding and on the employer. The petition for review shall identify the actions or rulings claimed to be in error. Any party to the proceeding may, within fourteen days after the initiation of review, file briefs or written arguments for consideration by the commission. The original ((and three copies of any)) brief or written argument shall be filed with the commission at its Olympia office and a copy shall be served upon the other party. The commission or the ((designee of the commission)) assigned commissioner may, for good cause, grant any party an extension of the time for filing of its brief or written argument where a request for additional time is made prior to the deadline previously established. The commission may request the parties to appear before it to make oral argument as to certain of the issues or all of the issues in the matter.

READOPTED SECTION (Readopting Resolution No. 84-01, filed 3/20/84)

WAC 316-75-310 IMPLEMENTATION. Where alternative payments in lieu of payments under a union security agreement have been agreed upon by the parties or ordered by the commission, the department shall release any funds (together with accumulated interest) held in escrow under WAC 316-75-130 to the designated charitable organization and the employee shall thereafter make payments and shall furnish written proof to the exclusive bargaining representative that such payments have been made to the designated charitable organization. Where the employee is found ineligible to make alternative payments, the department shall release any funds (together with accumulated interest) held in escrow to the exclusive bargaining representative and shall enforce the union security provision according to its terms. The department and the exclusive bargaining representative shall allow the affected employee a grace period of not less than thirty days following the agreement or final order of the commission to correct any arrearages.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 316-75-290 COMMISSION ACTION.

WSR 90-01-121 EMERGENCY RULES DEPARTMENT OF LICENSING

[Filed December 20, 1989, 2:58 p.m.]

Date of Adoption: December 18, 1989.

Purpose: To allow the counties to bring the fee schedule of county Uniform Commercial Code fees into conformity with the county fee schedule already existing under chapter 36.18 RCW, Fees of county officers.

Citation of Existing Rules Affected by this Order: Amending WAC 308-400-095.

Statutory Authority for Adoption: RCW 62A.9-409(1).

Other Authority: RCW 36.18.010.

Pursuant to RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: The department adopted a new UCC fee schedule, WSR 89-24-022, which takes effect on January 1, 1990. The counties are working toward bringing UCC fees under the standardized fee schedule of chapter 36.18 RCW in early 1990. If this emergency rule is not adopted, the counties and the UCC users will have to adjust to two county fee changes in a very short time. This double change would not be cost-effective, reasonable or in the best interest of the public.

Effective Date of Rule: January 2, 1990.

December 20, 1989 Mary Faulk Director

AMENDATORY SECTION (Amending Order 669–DOL, filed 3/30/82, effective 7/1/82)

WAC 308-400-042 UCC-2 FIXTURE FILING FORM. Effective July 1, 1982, the following form shall be the standard UCC-2 Fixture Filing Form prescribed by the department of licensing.

This	FIXTURE FILING is presented pursuant to the WASHINGTON UNIFUHM LEASE - This filing is for informational purposes only. The terms debtor CONSIGNMENT - This filing is for informational purposes only. The term	and secured party are to b			
1.	DEBTOR(S) (or assignor(s)) (last name first, and address(es))	2. FOR OFFICE USE ONLY 3. NUMBER OF ADDITIONAL SHEETS ATTACHED:			
_					
4,	SECURED PARTY(IES) (or assignee(s)) (name and address)	٦	5. ASSIGNEE(S) of SECURED PARTY(IES) (if applicable) (fast name first, and address(es))		
	L	١			
6.	This FIXTURE FILING covers the following types or Items of property: The goods are to become lixtures on The property is timber standing on The property is minerals or the like (including gas and oil) or ac (Describe real estate. Use legal description.)	counts to be financed at It	e wellhead or minehead of the well or mine located on		
	This fixture filling is to be filled for record in the real estate records the name of a record owner is	i. If the debtor does not ha	eve an interest of record in the realty,		
7.	RETURN ACKNOWLEDGMENT COPY TO:	٦	FILE FOR RECORD WITH: COUNTY AUDITOR OF COUNTY IN WHICH REAL PROPERTY IS LOCATED		
	L	١			
8.	This statement is signed by the Secured Party(ies) instead of the Deblo interest in collateral (Please check appropriate box) (a) already subject to a security interest in another jurisdiction with the debtor's location was changed to the state.	when it was brought in- nis state, or	Complete fully if box (d) is checked: complete as applicable for (a), (b), and (c): Original recording number		
	(b) which is proceeds of the original collateral described above interest was perfected, or (c) as to which the filling has lapsed, or		Filing office where filed		
	(d) acquired after a change of name, identity, or corporate structu	ure of the debtor(s).			
9	USE IF APPLICABLE:				
	TYPE NAME(S) OF DEBTOR(S) (or assignor(si)	TYPE NAME(S) C	OF SECURED PARTY(IES) (or assignee(s))		
10.	SIGNATURE(S) OF DEBTOR(S) (or assignor(s)) TERMINATION STATEMENT: The SECURED PARTYIES) certifies that filling bearing the recording number shown above.		OF SECURED PARTY(IES) (or assignee(s)) no longer claims a security interest under the lixture		
	NAME	DATE	NTY AUDITOR of County where original filling/recording was made.		
	Copy 1—County Auditor WASHINGT	ON UCC:2 FIXTURE FILIN	o G		

Note: All other information will be the same on plies 2 and 3 as is on ply 1. The ply legend is as follows: COPY 2 – DEBTOR

COPY 3 - SECURED PARTY

Plies 1 and 2 will each have a carbon behind them which must end at the bottom of box 9. Instructions will appear on the back of Copy 3.

INSTRUCTIONS UCC-2 FIXTURE FILING

- 1. PLEASE TYPE THIS FORM.
- 2. If the space provided for any item on the form is inadequate, the item should be identified and continued on additional sheets, preferably 8 1/2" X 11". The name of the debtor should appear as the first item on each additional sheet. Only one copy of such additional sheets need be presented to the filing officer with one copy of the financing statement. Indicate the number of sheets attached in the space provided.
- 3. At the time of original filing, the filing officer will return copy (1) as an acknowledgment. Indicate in box 7 to whom the acknowledgment should be returned.
- 4. The filing/recording fee ((for a standard form is \$4.00. The fee is \$7.00 if any other form is used or if any additional sheets or documents are attached to the standard UCC-2)) shall be in accordance with the schedule of fees contained in RCW 36.18.010. Proper filing fees must accompany each form.
- 5. When a copy of the security agreement is used as a financing statement, it should be accompanied by a completed but unsigned set of these forms. ((The \$7.00 fee applies.))
- 6. Typed name of debtor and/or secured party must appear with signature.
- 7. DO NOT WRITE IN BOX 2.
- 8. Remove and retain copies (2) and (3). SEND copy (1) to the county auditor of the county in which the real property is located.

TERMINATION STATEMENT

When the filing is to be terminated the acknowledgment copy (1) may be sent to the filing officer with the termination statement signed by the secured party of record, or the UCC-3 form may be used as a termination statement. If a partial assignment has been made, signatures of both the secured party and assignee are required to terminate. Typed name of secured party of record must appear with the signature. No fee is required for a termination statement.

Reviser's note: RCW 34.05.395 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

<u>AMENDATORY SECTION</u> (Amending Order BLS 130 [WSR 89-24-022], filed 3/1/89 [11/30/89])

WAC 308-400-095 FEES. (1) Beginning January 1, 1990, the following fees shall be charged for filing information with, and obtaining information from ((filing officers are adopted by)) the department of licensing:

- (A) (((1))) For filing, indexing, and furnishing data pursuant to a security interest created by a deed of trust or mortgage under provisions of RCW 62A.9-302, the fee shall be seven dollars.
- (B) (((2))) For filing and indexing an original financing statement or a continuation statement pursuant to RCW 62A.9-403, and for stamping a copy furnished by the secured party showing the date and place of filing, the fee shall be seven dollars if the statement is in the standard form prescribed by the department of licensing, but if the form of the statement does not conform to the standards prescribed by the department, or if attached pages are added, the fee shall be fourteen dollars.
- (C) (((3))) For filing, indexing, and furnishing filing data for a financing statement indicating an assignment or a separate statement of assignment, under provisions of RCW 62A.9-405, on a form conforming to standards prescribed by the department of licensing shall be seven dollars, but if the form of the financing statement or separate statement of assignment does not conform to the standards prescribed by the department, or if attached pages are added, the fee shall be fourteen dollars.
- (D) ((4)) For filing and noting a statement of release pursuant to RCW 62A.9-406 on a form conforming to standards prescribed by the department of licensing, the fee shall be seven dollars, but if the form of the statement does not conform to the standards prescribed by the department, or if attached pages are added, the fee shall be fourteen dollars.
- (E) (((5))) For a certificate of information pursuant to RCW 62A.9-407, the fee shall be seven dollars. For a certificate of information pursuant to RCW 62A.9-407 and for a copy of any filed financing statements or statements of assignment the fee shall be twelve dollars for each particular debtor's statements requested.
- (2) Beginning January 1, 1990, the fees for filing/recording uniform commercial code information with, and obtaining uniform commercial code information or copies from county auditors or county recording officers shall be in accordance with the schedule of fees contained in RCW 36.18.010.

Reviser's note: RCW 34.05.395 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

Reviser's note: The typographical errors in the above section occurred in the copy filed by the agency and appear in the Register pursuant to the requirements of RCW 34.08.040.

WSR 90-01-122 PROPOSED RULES DEPARTMENT OF LICENSING

[Filed December 20, 1989, 2:59 p.m.]

Original Notice.

Title of Rule: Standardized filing forms and procedures—Uniform Commercial Code, crop liens, and processor and preparer liens for agricultural, dairy and commercial fish products and certain federal liens.

Purpose: The purpose of the proposed revision is to allow the counties to include Uniform Commercial Code fees in the county fees schedule already existing in chapter 36.18 RCW, Fees of county officers.

Statutory Authority for Adoption: RCW 62A.9-409(1).

Statute Being Implemented: Chapter 62A.9 RCW.

Summary: Amends the wording of WAC 308-400-095.

Reasons Supporting Proposal: See Explanation of Rule, its Purpose, and Anticipated Effects, below.

Name of Agency Personnel Responsible for Drafting: Maxine Nelson, 405 Black Lake Boulevard, 586–1421; Implementation: Keith Weaver, 405 Black Lake Boulevard, 753–9627; and Enforcement: Ken Mark, 405 Black Lake Boulevard, 753–1749.

Name of Proponent: Department of Licensing, governmental.

Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: The Department of Licensing currently establishes UCC filing and search fees for the state and for the counties by WAC regulation. The fees established by the department differ from the county fees established by chapter 36.18 RCW. At the request of the Washington Association of County Auditors, the department is removing itself from establishing county fees. The effect is that the present dual fee structure will be eliminated.

Proposal Changes the Following Existing Rules: See Explanation of Rule, its Purpose, and Anticipated Effects, above.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

The fees established by chapter 36.18 RCW, Fees of county officers, should have no greater impact on small businesses than large businesses since the fees for filings and searches are usually borne by the individual requesting the service rather than the business itself.

Hearing Location: 1st Floor Conference Room, Department of Licensing, Business License Services, 405 Black Lake Place, Olympia, WA 98504-8007, on January 25, 1990, at 3:00 p.m.

Submit Written Comments to: Ken Mark, Assistant Director at the above address, by January 24, 1990.

Date of Intended Adoption: January 29, 1990.

December 20, 1989 Ken Mark Assistant Director AMENDATORY SECTION (Amending Order 669-DOL, filed 3/30/82, effective 7/1/82)

WAC 308-400-042 UCC-2 FIXTURE FILING FORM. Effective July 1, 1982, the following form shall be the standard UCC-2 Fixture Filing Form prescribed by the department of licensing.

	DEBTOR(S) (or assignor(s))	2. FOR OFFICE USE	ONLY
	(Rast name (first, and address(es))	2. 10/10/102032	·
		3. NUMBER OF ADD	ITIONAL SHEETS ATTACHED:
	SECURED PARTY(IES) (or assignee(s)) (name and address)		5. ASSIGNEE(S) of SECURED PARTY(IES) (if applicable)
	٦	٦	(last name first, and address(es))
	L	ال	
	This FIXTURE FILING covers the following types or items of property: The goods are to become fixtures on, The property is timber standing on, The property is minerals or the like (including gas and oil) or ar (Describe real estate. Use legal description.)		wellhead or minehead of the well or mine located on
	This fixture filling is to be filled for record in the real estate record: the name of a record owner is	s. If the debtor does not hav	e an interest of record in the realty.
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,	ETURN ACKNOWLEDGMENT COPY TO:		FILE FOR RECORD WITH:
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Note: All other information will be the same on plies 2 and 3 as is on ply 1. The ply legend is as follows:

COPY 2 - DEBTOR

COPY 3 - SECURED PARTY

Plies 1 and 2 will each have a carbon behind them which must end at the bottom of box 9. Instructions will appear on the back of Copy 3.

INSTRUCTIONS UCC-2 FIXTURE FILING

- 1. PLEASE TYPE THIS FORM.
- 2. If the space provided for any item on the form is inadequate, the item should be identified and continued on additional sheets, preferably 8 1/2" X 11". The name of the debtor should appear as the first item on each additional sheet. Only one copy of such additional sheets need be presented to the filing officer with one copy of the financing statement. Indicate the number of sheets attached in the space provided.
- At the time of original filing, the filing officer will return copy (1) as an acknowledgment. Indicate in box 7 to whom the acknowledgment should be returned.
- 4. The filing/recording fee ((for a standard form is \$4.00. The fee is \$7.00 if any other form is used or if any additional sheets or documents are attached to the standard UCC-2)) shall be in accordance with the schedule of fees contained in RCW 36.18.010. Proper filing fees must accompany each form.
- When a copy of the security agreement is used as a financing statement, it should be accompanied by a completed but unsigned set of these forms. ((The \$7.00 fee applies:))
- Typed name of debtor and/or secured party must appear with signature.
- 7. DO NOT WRITE IN BOX 2.
- Remove and retain copies (2) and (3). SEND copy (1) to the county auditor of the county in which the real property is located.

TERMINATION STATEMENT

When the filing is to be terminated the acknowledgment copy (1) may be sent to the filing officer with the termination statement signed by the secured party of record, or the UCC-3 form may be used as a termination statement. If a partial assignment has been made, signatures of both the secured party and assignee are required to terminate. Typed name of secured party of record must appear with the signature. No fee is required for a termination statement.

Reviser's note: RCW 34.05.395 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

AMENDATORY SECTION (Amending Order BLS 130 [WSR 89-24-022], filed 3/1/89 [11/30/89])

WAC 308-400-095 FEES. (1) Beginning January 1, 1990, the following fees shall be charged for filing information with, and obtaining information from ((filing officers are adopted by)) the department of licensing:

(B) (((2))) For filing and indexing an original financing statement or a continuation statement pursuant to RCW 62A.9-403, and for stamping a copy furnished by the secured party showing the date and place of filing, the fee shall be seven dollars if the statement is in the standard form prescribed by the department of licensing, but if the form of the statement does not conform to the standards prescribed by the department, or if attached pages are added, the fee shall be fourteen dollars.

(C) (((3))) For filing, indexing, and furnishing filing data for a financing statement indicating an assignment or a separate statement of assignment, under provisions of RCW 62A.9-405, on a form conforming to standards prescribed by the department of licensing shall be seven dollars, but if the form of the financing statement or separate statement of assignment does not conform to the standards prescribed

by the department, or if attached pages are added, the fee shall be fourteen dollars.

(D) (((4))) For filing and noting a statement of release pursuant to RCW 62A.9-406 on a form conforming to standards prescribed by the department of licensing, the fee shall be seven dollars, but if the form of the statement does not conform to the standards prescribed by the department, or if attached pages are added, the fee shall be fourteen dollars.

(E) (((5))) For a certificate of information pursuant to RCW 62A-.9-407, the fee shall be seven dollars. For a certificate of information pursuant to RCW 62A.9-407 and for a copy of any filed financing statements or statements of assignment the fee shall be twelve dollars for each particular debtor's statements requested.

(2) Beginning January 1, 1990, the fees for filing/recording uniform commercial code information with, and obtaining uniform commercial code information or copies from county auditors or county recording officers shall be in accordance with the schedule of fees contained in RCW 36.18.010.

Reviser's note: RCW 34.05.395 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

Reviser's note: The typographical errors in the above section occurred in the copy filed by the agency and appear in the Register pursuant to the requirements of RCW 34.08.040.

WSR 90-01-123 PROPOSED RULES DEPARTMENT OF SOCIAL AND HEALTH SERVICES

(Public Assistance)

[Filed December 20, 1989, 3:11 p.m.]

Original Notice.

Title of Rule: Chapter 388-29 WAC, Standards—Eligibility.

Purpose: Payment standards are reviewed/updated annually.

Statutory Authority for Adoption: RCW 74.08.090.

Statute Being Implemented: RCW 74.08.090.

Summary: Update payment standards.

Reasons Supporting Proposal: This rule is necessary to enable field staff to use correct standards in making benefit payments to clients effective January 1, 1990.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Dave Monfort, Income Assistance, 586–4594.

Name of Proponent: Department of Social and Health Services, governmental.

Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: Same as above.

Proposal Changes the Following Existing Rules: See above.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

Hearing Location: OB-2 Auditorium, 12th and Franklin, Olympia, Washington 98504, on February 1, 1990, at 10:00 a.m.

Submit Written Comments to: Troyce Warner, Chief, Office of Issuances, Department of Social and Health Services, Mailstop OB-33H, Olympia, Washington 98504, by February 1, 1990.

Date of Intended Adoption: February 13, 1990.

December 20, 1989 Leslie F. James, Director Administrative Services

AMENDATORY SECTION (Amending Order 2801, filed 5/24/89)

WAC 388-29-001 DEFINITIONS. (1) "Assistance unit" means a person or group of persons required to be included together when determining eligibility for an assistance program.

- (2) "Board and room" means a living arrangement in which an individual purchases food, shelter, and household maintenance requirements from ((a single)) one vendor.
- (3) "Boarding home" means any place where one or more persons purchase((s)) food, shelter, and household maintenance requirements from ((a single)) one vendor.
- (4) "Consolidated standards of need" means combining individual requirement amounts into a single dollar value.
- (5) "Household maintenance" means the requirements for space heating, water heating, cooking, lights, refrigeration, household supplies, garbage pickup, sewage disposal, and water.
- (6) "Life estate" means the right to use property for the duration of a specific person's ((life time)) lifetime.
- (7) (("Living in own home" means a living arrangement not involving boarding and rooming or care in a hospital, nursing home, or another institution.
- (8))) "Maximum" means no incremental increase in the payment standard for additional members of an assistance unit beyond a designated size.
- ((((2))) (8) "Medical institution" means an institution where professional personnel provide medical, nursing, or convalescent care.
- (((10))) (9) "Need" means the difference between the payment standard and the applicant's or recipient's available income, if any.
- (((111))) (10) "Payment standard" means the amount to which the applicant's or recipient's available income and resources are compared in determining financial eligibility.
- (((12))) (11) "Rateable reduction" means the percentage difference between the need standard and the payment standard.
- (((13))) (12) "Requirement" means an item or service recognized by the department as essential to the welfare of an individual.
- (a) "Additional requirement" means a requirement which is essential to some clients under specified conditions.(b) "Basic requirements" means food, clothing, shelter, transporta-
- (b) "Basic requirements" means food, clothing, shelter, transportation, household maintenance, personal maintenance, and necessary incidentals.
- (13) "Residing in own home" means a living arrangement not involving boarding and rooming or care in a hospital, nursing home, or another institution.
- (14) "Standards of need" or "need standard" means the income required by an applicant or recipient to maintain a minimum and adequate level of living.

AMENDATORY SECTION (Amending Order 2882, filed 10/17/89)

WAC 388-29-100 STANDARDS OF ASSISTANCE—BASIC REQUIREMENTS. (1) The statewide monthly need standards for basic requirements shall be:

(a) Households with an obligation to pay shelter costs effective August 1, 1989.

Treat households residing in a lower income housing project, assisted under the United States Housing Act of 1937 or Section 236 of the National Housing Act, as renters if the household member makes any utility payment in lieu of a rental payment.

Recipients in Household	Need Standard			
1	\$ 579			
2	733			
3	907			
4	1,068			
5	1,230			
6	1,395			
7	1,612			
8	1,784			
9	1,959			
10 or more	2,129			

(b) Households without shelter costs effective August 1, 1989.

The monthly standard for clients without shelter costs includes requirements for food, clothing, personal maintenance and necessary incidentals, household maintenance, and transportation.

Need Standard			
\$ 341			
432			
535			
630			
725			
823			
951			
1,052			
1,155			
1,256			

- (2) One hundred eighty-five percent of the state-wide monthly need standard for basic requirements is:
- (a) Households with shelter costs effective August 1, 1989.

Recipients in Household	185% of Need Standard			
1	\$ 1,071			
2	1,356			
3	1,677			
4	1,975			
5	2,275			
6	2,580			
7	2,982			
8	3,300			
9	3,624			
10 or more	3,938			

(b) Households without shelter costs effective August 1, 1989.

1 \$ 630 2 799 3 989 4 1,165 5 1,341 6 1,522 7 1,759 8 1,946 9 2,136 10 or more 2,323	Recipients in Household	185% of Need Standard				
3 989 4 1,165 5 1,341 6 1,522 7 1,759 8 1,946 9 2,136	1	\$ 630				
3 989 4 1,165 5 1,341 6 1,522 7 1,759 8 1,946 9 2,136	2	799				
5 1,341 6 1,522 7 1,759 8 1,946 9 2,136	3	989				
5 1,341 6 1,522 7 1,759 8 1,946 9 2,136	4	1,165				
7 1,759 8 1,946 9 2,136		1,341				
8 1,946 9 2,136	6	1,522				
9 2,136	7	1,759				
· · · · · · · · · · · · · · · · · · ·	8	1,946				
10 or more 2,323	9					
	10 or more	2,323				

- (3) The state-wide monthly payment standard shall be:
- (a) Effective ((August 1, 1989)) January 1, 1990, payment standards for households with shelter costs reflecting a ratable reduction of ((45.9)) 44.9 percent of need standards.

Treat households residing in a lower income housing project, assisted under the United States Housing Act of 1937 or Section 236 of the National Housing Act, as renters if the household member makes any utility payment in lieu of a rental payment.

Recipients	Payment
in Household	Standard
1	\$ ((314)) 320
2	((397)) <u>320</u> ((397)) 404
3	((492)) 501
4	((578)) <u>589</u>
5	((666)) <u>679</u>
6	((756)) <u>771</u>
7	((873)) <u>890</u>
8	((966)) <u>985</u>
9	$((\frac{1,061}{1,082}))$
10 or more	$((\frac{1,153}{1,176}))$

(b) Effective ((August 1, 1989)) January 1, 1990, payment standards for households without shelter costs reflecting a ratable reduction of ((45.8)) 44.9 percent of the need standard.

The monthly payment standard for clients without shelter costs shall include requirements for food, clothing, personal maintenance and necessary incidentals, transportation, and household maintenance.

Payment
Standard
\$((186)) <u>188</u>
$((\frac{235}{235}))$ 238
$((\frac{290}{290}))$ 295
((342)) 347
((393)) 400
((446)) 453
((515)) 524
((570)) 580
((626)) 637
((680)) <u>692</u>

AMENDATORY SECTION (Amending Order 2309, filed 12/2/85)

WAC 388-29-110 STANDARDS OF ASSISTANCE—GRANT MAXIMUM((S)). (1) Grants to families of eight or more shall not exceed the following maximum((s)). In computing the grant amount, nonexempt income (and resources; general assistance only) available to meet need shall be deducted from the monthly payment standard specified in this chapter.

(2) Effective January 1, ((1986)) 1990, the maximum is:

Number in	
household	Maximum
8 or more	\$ ((966)) <u>985</u>

AMENDATORY SECTION (Amending Order 2309, filed 12/2/85)

WAC 388-29-112 STANDARDS OF ASSISTANCE—CON-SOLIDATED EMERGENCY ASSISTANCE PROGRAM (CEAP). The state-wide standards for the consolidated emergency assistance program shall be paid in the amount necessary to meet allowable emergent needs with the issuance of not more than one hundred percent of the payment standard.

(1) Maximum grant.

Recipients in Household	Maximum Grant				
1	\$ ((314)) 320				
2	((397)) 404				
3	((492)) 501				
4	((578)) 589				
5	((666)) 67 9				
6	((756)) 771				
7	((873)) 890				
8 or more	((966)) <u>985</u>				

(2) Payment maximums for individual emergent need items.

								8
	1	2	3	4	5	6	7	(or more)
Food	.((\$171 -	\$216	\$268	\$315	\$363	\$412	\$476	\$526))
	\$194	\$246	\$304	\$359	\$413	\$468	\$534	\$591
Shelter	((201	242	300	352	406	460	531	588))
	236	299	370	436	502	569	659	729
Clothing	((23	- 28	35	41	47	- 54	-62	- 69))
	28	35	44	51	59	67	77	86
Minor								
Medical	((132	167	-207-	243	280	317	367	406))
	165	209	259	304	350	396	459	5Ó8
Utilities	((44	57	 70 -	82	95	108	125	138))
Cimina	``80	101	125	147	169	193	223	246
Household								
Maint.	((56	71	88	103	118	135	156	172))
***************************************	50	75	92	109	125	142	164	181

Job-related transportation - as needed not to exceed the grant maximum. Transportation of a child to home - as needed not to exceed the grant maximum.

(3) These standards are effective January 1, ((1986)) 1990.

AMENDATORY SECTION (Amending Order 2309, filed 12/2/85)

WAC 388-29-160 ADDITIONAL REQUIREMENTS—RESTAURANT MEALS. (1) Restaurant meals shall be an additional requirement only when:

- (a) The individual is physically or mentally unable to prepare any of his or her meals, and
- (b) Board, or board and room, is not available or the use of such facilities is not feasible for an individual.
- (2) Effective January 1, ((1986)) 1990, the monthly standard for restaurant meals shall be one hundred ((sixty-eight)) seventy-one dollars and thirty-six cents.

AMENDATORY SECTION (Amending Order 2309, filed 12/2/85)

WAC 388-29-200 ADDITIONAL REQUIREMENTS—FOOD FOR GUIDE DOG. (1) The cost of food for a guide dog shall be an additional requirement when an applicant or recipient has a guide dog assigned to him or her by an accredited guide dog organization.

(2) Effective January 1, ((1986)) 1990, the monthly standard for food for a guide dog shall be thirty-three dollars and sixty-six cents.

AMENDATORY SECTION (Amending Order 2309, filed 12/2/85)

WAC 388-29-220 ADDITIONAL REQUIREMENTS—LAUNDRY. (1) Laundry is an additional requirement when:

- (a) The applicant or recipient is physically unable to do his or her laundry, and
 - (b) He or she has no one able to perform this service for him or her.
- (2) Effective January I, ((1986)) 1990, the monthly standard for laundry shall be ten dollars and twenty cents.

AMENDATORY SECTION (Amending Order 2215, filed 3/13/85)

WAC 388-29-230 ADDITIONAL REQUIREMENTS—WINTERIZING HOMES—AFDC. (1) Repairs to homes owned or being purchased by AFDC recipients are an additional requirement under the following circumstances:

- (a) The primary purpose of the repairs is to minimize heat loss or otherwise increase the efficiency of the home heating system;
 - (b) The repairs are necessary to render the home habitable;
- (c) Lack of repairs would require the assistance unit to move to rental quarters;
- (d) The rental costs expended by the assistance unit over a period of two years would exceed the costs, including repairs, attributable to continued occupancy of the home; and
- (e) No expenditures for repair of the home have been made previously under the policies outlined in subsection (1)(a) through (d) of this section.
- (2) All expenditures for repairs shall be paid by vendor payments when there is sufficient recorded evidence that the home repair was performed.
- (3) Effective January 1, 1990, the maximum allowance for winterizing a home is five hundred ten dollars.

AMENDATORY SECTION (Amending Order 2694, filed 9/12/88)

WAC 388-29-280 STANDARDS OF ASSISTANCE—ADULT FAMILY HOME CARE. (1) The basic monthly standard for adult family home care shall be ((three)) four hundred ((eighty-four)) dollars and ((sixty-five)) four cents.

- (2) The monthly standard for clothing and personal maintenance and necessary incidentals for a person in an adult family home shall be thirty-eight dollars and eighty-four cents.
 - (3) ((Activities of daily living add-ons

(a) 1- 3	activities	 \$38.43
(b) 4-7	activities	\$57.63
(c) 8-12	activities	
(0) 0-12	activities	\$0J.Z .

(4) Health-related services;

AMENDATORY SECTION (Amending Order 2759, filed 2/13/89)

WAC 388-29-295 STANDARDS OF ASSISTANCE—SUP-PLEMENTAL SECURITY INCOME (SSI) PROGRAM. Effective

January 1, $((\frac{1989}{}))$ 1990, the standards of SSI assistance paid to eligible individuals and couples are:

	Standard	Federal Benefit	State Supplement
Area I: King, Pierce, S Kitsap Counti	Snohomish, Thur es	rston, and	
Living alone			
Individuals	((\$396.00	\$368.00))	
	\$414.00	\$386.00	\$ 28.00
Couples			
Both eligible	((575.00 –	- 553.00))	
	601.00	579.00	22.00
With essential			
person	((574.00 -	- 552.00))	** **
	<u>601.00</u>	579.00	22.00
With ineligible	//5/0.00	2(0.00))	
spouse	((560.00	368.00))	102.00
A . II AD C	578.00	386.00	192.00
Area II: All Counties	Other Than the	Above	
Living alone			
Individuals	((375.55	368.00))	
	393.55	386.00	7.55
Couples	<u> </u>		
Both eligible	((553.00 –	- 553.00))	
	<u>579.00</u>	579.00	0
With essential			
person	((552.00	-552.00))	_
*****	<u>579.00</u>	579.00	0
With ineligible		240.00\\	
spouse	((528.15	-368.00))	160.15
A I 4 II. Cl 4	546.15	386.00	160.15
Areas I and II: Shared	nving (an count	ies)	
Individuals	((251.15 -	245.34))	
	263.15	257.34	5.81
Couples	<u> </u>		
Both eligible	((374.97 -	- 368.67))	
	392.30	386.00	6.30
With essential			
person	((374.30	368.00))	
	392.30	386.00	6.30
With ineligible	//2/10=	045 04);	
spouse	((364.97	- 245.34))	110 (2
	<u>376.97</u>	257.34	119.63

REPEALER

The following section of the Washington Administrative Code is repealed:

388-29-260 STANDARDS OF ASSISTANCE—PERSONS IN BOARDING HOMES—GENERAL ASSISTANCE.

WSR 90-01-124 PROPOSED RULES DEPARTMENT OF ECOLOGY

[Order 89-42-Filed December 20, 1989, 3:19 p.m.]

Original Notice.

Title of Rule: Amending WAC 173-315-010, 173-315-040 and 173-315-050, Model Toxics Control Act—Local toxics control account—Interim financial assistance program.

Purpose: To delete those portions of chapter 173-315 WAC pertaining to remedial action grants, as remedial action grants will now be covered by chapter 173-322 WAC, Remedial action grants.

Statutory Authority for Adoption: Chapter 70.105D RCW, the Model Toxics Control Act.

Statute Being Implemented: Chapter 70.105D RCW, the Model Toxics Control Act.

Summary: WAC 173-315-010, 173-315-040 and 173-315-050, had provided eligibility criteria and funding requirements for a program of grants to local governments for remedial action pursuant to RCW 70.105D.7 [70.105D.070] (3)(a) and (7). This is now covered by chapter 173-322 WAC.

Reasons Supporting Proposal: To eliminate duplicative language.

Name of Agency Personnel Responsible for Drafting: Julia Woods, Lacey, Washington, (206) 438-7256; Implementation and Enforcement: Dan Swenson, Lacey, Washington, (206) 438-7474.

Name of Proponent: Department of Ecology, governmental.

Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: Amendment will eliminate duplicative language regarding remedial action grants to local governments. This is now covered by chapter 173-322 WAC, Remedial action grants.

Proposal Changes the Following Existing Rules: The adoption of chapter 173-322 WAC, Remedial action grants, will render portions of chapter 173-315 WAC, Model Toxics Control Act—Local toxics control account—Interim financial assistance program, obsolete. WAC 173-315-010 and 173-315-040 will be amended to refer to chapter 173-322 WAC, and WAC 173-315-050 will be amended to delete the obsolete and duplicative language.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

The Washington Regulatory Fairness Act, chapter 19.85 RCW, requires that proposed rules which have an economic impact on more than twenty percent of all industries or more than ten percent of any one industry shall be reviewed to determine if the cost of coming into compliance with the proposed agency rules will create a disproportionately higher economic burden on small business in comparison with the cost of compliance for large business. The act defines a small business as an employer with fifty or fewer employees. With respect to the proposed amendment of chapter 173-315 WAC, the findings of the agency are as follows: The Department of Ecology has determined that because the proposed rule amendment affects a grant program rather than a regulatory program requiring compliance activities by businesses, the rule will not impose an economic burden on business in general or small business in particular. The primary impact of the rule is to eliminate duplicative language. Therefore, the Department of Ecology has determined that a small business economic impact statement is not required for the proposed rule.

Hearing Location: Spokane County Health Center Auditorium, West 1101 College Avenue, Spokane, WA, on January 23, 1990, at 7:00 p.m.; and at the Environmental Protection Agency Offices, Park Place Building, Room 12A, 1200 Sixth Avenue, Seattle, WA, on January 25, 1990, at 7:00 p.m.

Submit Written Comments to: Julia Woods, Waste Management Grants Section, Department of Ecology, Mailstop PV-11, Olympia, Washington 98504-8711, by February 15, 1990.

Date of Intended Adoption: April 3, 1990.

December 20, 1989 Fred Olson Deputy Director

AMENDATORY SECTION (Amending Order 89-11, filed 8/17/89, effective 9/17/89)

WAC 173-315-010 PURPOSE AND AUTHORITY. The purpose of this chapter is to set forth eligibility criteria and requirements for the conduct of an interim financial assistance program to provide grants to local government pursuant to the Model Toxics Control Act. The department may provide grants to local government for:

- (1) Remedial actions, as specified in chapter 173-322 WAC
- (2) Hazardous waste plans and programs under chapter 70.105 RCW;
 - (3) Solid waste plans and programs under chapter 70.95 RCW.

This chapter recognizes the burden placed upon ratepayers due to the high costs of cleanups, and solid and hazardous waste management, and consistent with the Model Toxics Control Act, provides financial assistance to mitigate such hardships.

This chapter recognizes the importance of a strong preventive program to alleviate future contamination through proper solid and hazardous waste planning and management. It is designed to provide assistance to local governments in carrying out these vital functions pursuant to the requirements of chapters 70.95 and 70.105 RCW, and the Model Toxics Control Act.

The interim financial assistance program will provide financial assistance to local governments in the form of grants.

The authority to provide financial assistance to local government is granted under the Model Toxics Control Act.

AMENDATORY SECTION (Amending Order 89-11, filed 8/17/89, effective 9/17/89)

WAC 173-315-040 GENERAL. (1) Apportionment of funds.

For purposes of implementing the interim financial assistance program, the local toxics account shall be apportioned between the following categories as follows:

- (a) Remedial actions, as specified in chapter 173-322 WAC.
- (b) Hazardous waste plans and programs.
- (c) Solid waste plans and programs.
- (2) Adjustment of funds. Based on a periodic internal review of grant applications received, grant obligations, grant fund balances, and revenue projections, the department may allocate funds by grant category or readjust the amount of funds that may be allocated under any and all grant categories.
- (3) Grant application process. Grant application deadlines and schedules will be announced based upon funding allocations for each of the funding priority grant programs.

Grant application packages which include grant application deadlines, guidelines, application forms, and detailed information will be provided to all interested parties.

When applications are received by the department, they will be reviewed and scored if it is a competitive grant program by a committee consisting of department personnel. Applications need to include all required elements, as outlined in the guidelines, in order to be competitive.

After an application is reviewed and/or scored and an award notice letter is sent out, the department will contact the applicant to negotiate the final details of the scope of work, budget, and any other items of concern

A grant offer is made by the department to the applicant in the form of a grant contract when all applicant and project eligibility requirements have been met, funds are available, and the formal application has been completed to the mutual satisfaction of the applicant and the department.

A grant award is made when a grant agreement has been signed by both the applicant and the department. The grant agreement becomes effective on the date the program manager of the solid and hazardous waste program of the department signs the contract. This also establishes the beginning date of the project. No costs incurred prior to that

date are grant eligible unless specific provision is made in the grant agreement for such costs.

- (4) Appropriation and allotment of funds. The obligation of the department to make grant payments is contingent upon the availability of funds through legislative appropriation and allotment, and such other conditions not reasonably foreseeable by the department rendering performance impossible. When the grant crosses over bienniums, the obligation of the department is contingent upon the allotment of funds during the next biennium.
- (5) Administrative practices. All grants under this chapter shall be consistent with the provisions of Financial Guidelines for Grants Management, WDOE 80-6, May 1980, reprinted March 1982, or subsequent guidelines adopted thereafter.
- (6) The department encourages cooperation and coordination among units of local government and any funds granted under this chapter may be used by any unit of local government through interagency agreements.
- (7) The department may issue grants to local governments that applied for funding assistance authorized by chapter 70.105B RCW and chapter 173-309 WAC.
- (8) A maximum of fifty percent of the grantee cost share may be from in-kind contributions.
- (9) A maximum indirect cost rate of ten percent of direct labor will be allowed unless the grantee has an indirect rate approved by a federal or state audit agency. The department reserves the right to determine the amount of indirect allowance in each grant agreement.

AMENDATORY SECTION (Amending Order 89-11, filed 8/17/89, effective 9/17/89)

WAC 173-315-050 ((REMEDIAL ACTION GRANTS)) RE-SERVED. (((1) Applicant eligibility. An applicant for a remedial action grant must be a local government which will use the grant for the purpose of planning and/or carrying out required remedial action at a landfill site used primarily for the disposal of municipal solid waste.

An applicant must also meet one of the following requirements:

- (a) Be a party to a consent decree under chapter 70.105B RCW, the Model Toxics Control Act, or a consent order under chapter 90.48 RCW requiring remedial action at a landfill site; or
- (b) Have been issued an enforcement order under RCW 90.48.120, the Model Toxics Control Act, or RCW 70.105B.120 (1)(c)(ii) or (2), requiring remedial action at a landfill site.

Sites meeting eligibility requirements shall be deemed, for the purposes of this chapter, to be on the hazard ranking list pending issuance of such a list.

- (2) Eligible project costs.
- (a) Remedial action grants are for the purpose of assisting local governments to plan and carry out required remedial action at public or private facilities used primarily for the disposal of municipal solid waste.
- (b) Costs are grant eligible if their purpose is to identify, eliminate, or minimize any threat or potential threat posed by hazardous substances to human health or the environment. This includes any investigative and monitoring activities with respect to any release or threatened release of a hazardous substance as well as any health assessments or health effect studies conducted in order to determine the risk or potential risk to human health. Costs eligible for grant funding include:
- (i) Remedial investigations to define the extent and source of contamination:
 - (ii) Feasibility studies to develop and evaluate cleanup options;
- (iii) Remedial design, including final engineering and preparation of plans and specifications needed to implement remedial action;
 - (iv) Monitoring;
 - (v) Methane control;
- (vi) Excavating the site to remove or relocate contaminated materials, or removing and cleaning up drums, debris, and other contaminated materials;
 - (vii) Run-on/run-off water control systems;
 - (viii) Final cover;
 - (ix) Ground water treatment and control;
 - (x) In situ treatment technology;
- (xi) Acquisitions of off-site property or property easements only for the purpose of gaining access to a facility requiring remedial action, or for the purpose of installing monitoring wells or other pollution abatement equipment or for other purposes relating to remedial action;
- (xii) Fencing where waste disposal has terminated or to limit access to structures built to implement a remedial action;

(xiii) Other remedial action activities as determined by the department on a case-by-case basis.

(3) Retroactive funding. Retroactive funding will be allowed for all eligible work conducted under a signed settlement agreement. Retroactive funding may be allowed for costs incurred since October 16, 1987.

(4) Matching requirements. Up to fifty percent state funding will be available for eligible project costs as defined in subsection (2)(a)(i), (ii), (iii), and (iv) of this section; remedial investigations, feasibility studies, remedial design, and monitoring. Up to twenty-five percent state funding will be available for all other eligible project costs.))

WSR 90-01-125 PREPROPOSAL COMMENTS BUILDING CODE COUNCIL

[Filed December 20, 1989, 3:42 p.m.]

Subject of Possible Rule Making: Historic building code: Rules providing alternative methods to those otherwise required under the Building Code Act, chapter 19.27 RCW, for repairs, alterations, and additions necessary for preservation, restoration, rehabilitation, strengthening, or continued use of buildings or structures which have been designated as having special historical or architectural significance, or is an unreinforced masonry building or structure on the state or national register of historic places, or is potentially eligible for placement there on.

Persons may comment on this subject by providing comments in writing, State Building Code Council, Department of Community Development, Mailstop GH-51, Ninth and Columbia Building, Olympia, Washington 98504-4151, from December 5, 1989 – January 31, 1990.

Other Information or Comments by Agency at this Time, if any: Provide comments concerning: Public participation and involvement in a Historic Building Code Advisory Committee, existing codes which should be considered, any other matter relevant to RCW 19.27.120.

Formal rulemaking will commence in May 1990, with public hearings after May 1990. Adoption will occur by November 1990.

Contact: Max Messman, Staff, Building Code Council, Ninth and Columbia Building, Olympia, Washington 98504–4151, (206) 586–2168.

December 15, 1989 Marc Sullivan Chair

WSR 90-01-126 PROPOSED RULES HIGHER EDUCATION PERSONNEL BOARD

[Filed December 20, 1989, 3:56 p.m.]

Original Notice.

Title of Rule: WAC 251-04-040 Exemptions.

Purpose: Sets forth classifications, positions, and employees of higher education institutions/related boards which are exempted from coverage of Title 251 WAC.

Statutory Authority for Adoption: RCW 28B.16.100.

Statute Being Implemented: Chapter 28B.16 RCW.

Summary: Subsection (2)(b) provides an exception for students which shall not extend beyond September 1, 1988.

Reasons Supporting Proposal: This section of rule is no longer applicable and should be abolished.

Name of Agency Personnel Responsible for Drafting: Joe Gross, 1202 Black Lake Boulevard, FT-11, Olympia, 753-6364; Implementation and Enforcement: J. Spitz, Director, 1202 Black Lake Boulevard, FT-11, Olympia, 753-3730.

Name of Proponent: Higher Education Personnel Board staff, governmental.

Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: WAC 251-04-040 lists those who are exempted from coverage of Title 251 WAC. It contains an exception for students who were hired before July 20, 1984; this exception was not to extend beyond September 1, 1988. Since this exception no longer applies, it should be abolished.

Proposal does not change existing rules.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

Hearing Location: Board Room, South Puget Sound Community College, 2011 Mottman Road, Olympia, on February 1, 1990, at 10:00 a.m.

Submit Written Comments to: 1202 Black Lake Boulevard, FT-11, Olympia, WA 98504, by February 1, 1990.

Date of Intended Adoption: February 1, 1990.

December 20, 1989 John A. Spitz Director

AMENDATORY SECTION (Amending Order 179, filed 6/21/89, effective 10/1/89)

WAC 251-04-040 EXEMPTIONS. The following classifications, positions, and employees of higher education institutions/related boards are hereby exempted from coverage of this chapter.

- (1) Members of the governing board of each institution/related board; all presidents, vice presidents and their confidential secretaries, administrative and personal assistants; deans, directors, and chairmen; academic personnel; executive heads of major administrative or academic divisions employed by institutions of higher education; and any employee of a community college district whose place of work is one which is physically located outside the state of Washington and who is employed pursuant to RCW 28B.50.092 and assigned to an educational program operating outside of the state of Washington.
- (2) Students employed by the institution at which they are enrolled (or related board) and who either:
- (a) Work five hundred sixteen hours or less in any six consecutive months, exclusive of hours worked in a temporary position(s) during the summer and other breaks in the academic year, provided such employment does not:
- (i) Take the place of a classified employee laid off due to lack of funds or lack of work; or
- (ii) Fill a position currently or formerly occupied by a classified employee during the current or prior calendar or fiscal year, whichever is longer;
- (b) ((Provided further that the hour limitation shall not apply to student employees who were hired before July 20, 1984, with an understanding of working more than the stated number of hours monthly, and also with an understanding of such employment continuing for the duration of their education. However, this exception shall apply only to students who are continuously enrolled and shall not extend beyond

September 1, 1988. Students covered by this exception shall be identified to the director;

- (c))) Are employed in a position directly related to their major field of study to provide training opportunity; or
- (((d))) (c) Are elected or appointed to a student body office or student organization position such as student officers or student news staff members.
- (3) Students participating in a documented and approved programmed internship which consists of an academic component and work experience.
- (4) Students employed through the state or federal work/study programs.
- (5) Persons employed to work one thousand fifty hours or less in any twelve consecutive month period from the original date of hire. Such an appointment may be subject to remedial action in accordance with WAC 251-12-600, if the number of hours worked exceeds one thousand fifty hours in any twelve consecutive month period from the original date of hire, exclusive of overtime or work time as described in subsection (2) of this section.
- (6) Part-time professional consultants retained on an independent part-time or temporary basis such as physicians, architects, or other professional consultants employed on an independent contractual relationship for advisory purposes and who do not perform administrative or supervisory duties.
- (7) The director, his confidential secretary, assistant directors, and professional education employees of the state board for community college education.
- (8) The personnel director of the higher education personnel board and his confidential secretary.
- (9) The governing board of each institution/related board may also exempt from this chapter, subject to the employee's right of appeal to the higher education personnel board, classifications involving research activities, counseling of students, extension or continuing education activities, graphic arts or publications activities requiring prescribed academic preparation or special training, and principal assistants to executive heads of major administrative or academic divisions, as determined by the higher education personnel board: PROVIDED, That no nonacademic employee engaged in office, clerical, maintenance, or food and trades services may be exempted by the higher education personnel board under this provision.
- (10) Any employee who believes that any classification should or should not be exempt, or any employee because of academic qualifications which would enable such employee to teach and thus be exempt, may appeal to the board in the same manner as provided in WAC 251-12-080, et seq.
- (11) Any classified employee having civil service status in a classified position who accepts an appointment in an exempt position shall have the right of reversion to the highest class of position previously held, or to a position of similar nature and salary, within four years from the date of appointment to the exempt position. However, (a) upon the prior request of the appointing authority of the exempt position, the board may approve one extension of no more than four years; and (b) if an appointment was accepted prior to July 10, 1982, then the four-year period shall begin on July 10, 1982. Application for return to classified service must be made not later than thirty calendar days following the conclusion of the exempt appointment.
- (12) When action is taken to convert an exempt position to classified status, the effect upon the incumbent of such position shall be as provided in WAC 251-19-160.

WSR 90-01-127 WITHDRAWAL OF PROPOSED RULES DEPARTMENT OF HEALTH

[Filed December 20, 1989, 4:10 p.m.]

Please withdraw WSR 89-24-075 which proposes an amendment to WAC 308-40-125, Dentist fees. We will refile this WAC amendment with other professional licensing fee changes, and hearings will be scheduled in three locations throughout Washington state.

Pam Mead for Kristine M. Gebbie Secretary

WSR 90-01-128 PROPOSED RULES DEDARTMENT OF HEAT TO

DEPARTMENT OF HEALTH

[Filed December 20, 1989, 4:12 p.m.]

Original Notice.

Title of Rule: Licensing fees, per list shown below. Purpose: To establish fees for professional licensing. Statutory Authority for Adoption: RCW 43.70.250. Statute Being Implemented: RCW 43.70.250.

Summary: Establishes new licensing fees for professional licensing.

Reasons Supporting Proposal: RCW 43.70.250 requires each professional licensing program to be funded through licensing fees.

Name of Agency Personnel Responsible for Drafting: Chris Rose, 1300 Quince Street, Olympia, 753-3234; Implementation and Enforcement: Sherman Cox, 1300 Quince Street, Olympia, 753-2241.

Name of Proponent: Department of Health, governmental.

Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: Modifies professional licensing fees to generate revenue required to support licensing programs.

Proposal does not change existing rules.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

Hearing Location: PROFESSIONAL LICENSING FEE HEARINGS: January 23, 1990, West Coast Sea-Tac Hotel, 18220 Pacific Highway South, Seattle, Washington; and on January 24, 1990, Ramada Inn, Spokane International Airport, Spokane, Washington; and on January 25, 1990, Holiday Inn, 9 North 9th Street, Yakima, Washington.

PROFESSIONAL LICENSING FEE HEARINGS:

Beginning Time: 1:00 p.m.

WAC 308-180-260 Acupuncture fees WAC 114-12-136 Chiropractic fees WAC 308-190-010 Counselor fees WAC 308-25-065 Dental hygiene fees WAC 308-40-125 Dentist fees WAC 308-177-110 Dietitian and nutritionist fees WAC 308-175-140 Health care assistant fees

Beginning Time: 3:00 p.m. (estimate)

WAC 308-50-440 Hearing aid fitter/ dispenser fees WAC 308-115-405 Midwifery fees WAC 308-34-170 Naturopathic physician licensing fees WAC 308-173-130 Nursing assistant fees WAC 308-54-315 Nursing home administrator fees WAC 308-310-010 Nursing pool fees WAC 308-138-080 Osteopathic fees

	,	
Beginning Time: 5:00 p.m. (estimate)	Title	Fee
WAC 308-117-500 Practical nurse fees		0.00
WAC 308-122-275 Psychology fees	Late renewal penalty	9.00 ((10.00))
WAC 308-120-275 Registered nurse fees	Late renewal penalty	135.00
WAC 308-152-030 Veterinary fees	Duplicate license	$((\overline{15.00}))$
Submit Written Comments to: Leslie Baldwin, 1300	Continuo luorino de	62.00 ((25.00))
Quince Street, Olympia, WA, by January 22, 1990.	Certification/verification	50.00
Date of Intended Adoption: January 26, 1990.		
December 19, 1989	Certified social worker:	((60.00))
Pam Campbell Mead	Application and certification	145.00
Deputy Secretary	Application assessment	$((\frac{3.90}{3.90}))$
for Kristine M. Gebbie	, -pp	`` 8. <u>00</u>
Secretary	Examination	140.00
Scordary	Retake examination	((35.00)) 120.00
AMENDATORY SECTION (Amending Order PM 735, filed	Renewal	$((\frac{60.00}{60.00}))$
7/13/88)	Renewal	135.00
WAC 308-180-260 ACUPUNCTURE FEES. The following fees	Renewal assessment	((3.00))
shall be charged by the professional licensing division of the depart-		8.00
ment of ((licensing)) health:	Late renewal penalty	((10.00)) 135.00
Title of Fee Fee	Duplicate license	((15.00))
Title of Tee	Duplicate needse	62.00
Application((/examination 	Certification/verification	((25.00))
((Retake examination—Written \$250.00 ((Retake examination—Written		<u>50.00</u>
((Retake examination—Written ((Retake)) Written examination((—Practical)) 300.00	Certified marriage/family therapist:	
((Partial retake)) Practical examination((—Practical 150.00))	Application and certification	((60.00))
Annual license renewal 400.00 960.00		200.00
Late renewal penalty 200.00	Application assessment	((3.00))
Duplicate license 15.00	Written examination	$\frac{10.00}{140.00}$
Certification 25.00 Acupuncture training program application ((300.00))	Oral examination	140.00
500.00	Retake examination—Written	((35.00))
		140.00
AMENDATORY SECTION (Amending Order PM 650, filed	Retake examination—Oral	((60.00))
5/1/87)	Renewal	200.00
WAC 114-12-136 CHIROPRACTIC FEES. The following fees	Renewal assessment	$((\overline{3.00}))$
shall be charged by the professional licensing division of the depart-		10.00
ment of ((licensing)) health:	Late renewal penalty	((10.00))
Title of Fee Fee	Duplicate license	<u>200.00</u> ((15.00))
Application/full examination or	Duplicate needse	62.00
reexamination \$300.00	Certification/verification	((25.00))
((Application/partial examination or		<u>50.00</u>
reexamination 200.00	Registered counselor:	
(Reciprocity and national board waiver))) Original license ((150.00))	Application and registration	((30.00))
200.00	a second	(1-50)
License renewal 200.00	Application assessment	((1.50)) 5.00
Late renewal penalty 150.00	Renewal	((30.00))
Inactive license renewal 100.00	None-war	105.00
Duplicate 15.00 Certification 25.00	Renewal assessment	$((\overline{1.50}))$
Certification 25.00		<u>5.00</u> 105.00
AMENDATORY SECTION (Amending Order PM 669, filed	Late renewal penalty Duplicate license	((15.00))
8/27/87)	Duplicate needse	42.00
WAC 308-190-010 FEES. The following fees shall be charged by	Certification/verification	((25.00))
the professional licensing division of the department of ((licensing))		<u>50.00</u>
health:	Registered counselor-hypnotherapist:	
Title Fee	Application and registration	((30.00))
	A multi-stime	(1-60)
Certified mental health counselor:	Application assessment	$((\overline{1.50}))$ 5.00
Application and certification ((\$\frac{\$60.00}{}\)) \$200.00	Renewal	((30.00))
Application assessment $\frac{3200.00}{((3.00))}$		105.00
9.00	Renewal assessment	((1.50))
Examination 145.00	Late renewal penalty	<u>5.00</u> 105.00
Retake examination (((35.00)) 120.00	Duplicate license	((15.00))
Renewal $((\frac{60.00}{)})$	•	42.00
<u>135.00</u>	Certification/verification	((25.00))
Renewal assessment $((\overline{3.00}))$		<u>50.00</u>

AMENDATORY SECTION (Amending Order PM 650, filed 5/1/87)

WAC 308-25-065 DENTAL HYGIENE FEES. The following fees shall be charged by the professional licensing division of the department of ((licensing)) health:

Title of Fee	Fee
Application examination	
and reexamination	((\$100.00))
	\$200.00
Renewal	$((\overline{55.00}))$
	75.00
Late renewal penalty	60.00
((Reciprocity)) Credentialing application	((100.00))
	300.00
Duplicate license	15.00
Certification	((25.00))
	35.00
Education program evaluation	200.00

AMENDATORY SECTION (Amending Order PM 667, filed 8/27/87)

WAC 308-40-125 DENTIST FEES. The following fees shall be charged by the professional licensing division of the department of ((licensing)) health:

Title of Fee	Fee
Application (examination	
and reexamination)	((\$400.00))
	\$650.00
Partial retake	((120.00))
	250.00
Renewal	((165.00))
	215.00
Impaired dentist assessment	15.00
Late renewal penalty	((200.00))
	150.00
((Reciprocity)) Credentialing application	((400.00))
	1400.00
Duplicate license	15.00
Certification	((25.00))
	50.00
((Investigation fee	25.00))

AMENDATORY SECTION (Amending Order PM 814 [WSR 89-17-071], filed 1/11/89 [8/16/89])

WAC 308-177-110 DIETITIAN AND NUTRITIONIST FEES. The following fees shall be charged by the professional licensing division of the department of ((licensing)) health:

Title	Fee
Application	((\$75.00))
	<u>\$140.00</u>
Renewal	((65.00))
	110.00
Late renewal	((25.00))
	``110.00
Certification	$((2\overline{5.00}))$
	`` 55.ÓÓ
Duplicate	$((\frac{15.00}{1}))$
Dupittute	35.00
Reexamination	75.00 75.00
Recamination	/5.00

Reviser's note: The bracketed material preceding the section above was supplied by the code reviser's office.

AMENDATORY SECTION (Amending Order PM 689, filed 11/12/87)

WAC 308-175-140 HEALTH CARE ASSISTANT FEES. The following fees shall be charged by the professional licensing division of the department of ((licensing)) health:

Title of Fee	Fee
Initial certification	((\$10.00))
Continuing certification	\$25.00 ((\$15.00))
	\$25.00

AMENDATORY SECTION (Amending Order PM 667, filed 8/27/87)

WAC 308-50-440 HEARING AID FITTER/DISPENSER FEES. The following fees shall be charged by the professional licensing division of the department of ((licensing)) health:

Title of Fee	Fee
Trainee:	
Initial application	\$300.00
Trainee transfer of sponsor—Within	
fifteen days	((75.00))
	<u>150.00</u>
Trainee transfer of sponsor—Over	
fifteen days	((100.00))
	200.00
Extension of trainee license	200.00
Fitter/dispenser:	
Examination or reexamination (full)	500.00
Partial reexamination	((175.00))
	<u>250.00</u>
Initial license	250.00
Renewal	((200.00))
	385.00
Late renewal penalty	((150.00))
~	385.00
Duplicate license	((15.00))
C iic ii	25.00
Certification	((25.00))
	100.00

AMENDATORY SECTION (Amending Order PM 827, filed 3/24/89)

WAC 308-115-405 MIDWIFERY FEES. The following fees shall be charged by the professional licensing division of the department of ((licensing)) health:

Title of Fee	Fee
Initial application	((\$225.00))
	\$337.50
Examination	((250.00))
	375.00
Reexamination (second subsequent or more)	((250.00))
• ,	375.00
Renewal	((175.00))
	275.00
Late renewal penalty	((175.00))
, ,	275.00
Duplicate license	15.00
Certification	25.00
Application fee-Midwife-in-training program	75.00

AMENDATORY SECTION (Amending Order 783, filed 10/5/88)

WAC 308-34-170 NATUROPATHIC PHYSICIAN LICENSING FEES. (1) The following fees are payable to the department of ((licensing)) health.

Title of Fee	Amount
application/examination/reexamination	\$((275.00))
	675.00
Pregraduate basic science examination	((75.00))
	<u>540.00</u>
License renewal	((250.00))
	715.00
Late renewal penalty	((175.00))
Zate teneral primity	715.00
Duplicate License	((15.00))
Bupheate License	50.00
Certification	$((\frac{25.00}{)})$
Certification	50.00
A 11 of Co. of contact	715.00
Application for reciprocity	/13.00

(2) Fees submitted to and processed by the department are nonrefundable.

Reviser's note: The typographical errors in the above section occurred in the copy filed by the agency and appear in the Register pursuant to the requirements of RCW 34.08.040.

AMENDATORY SECTION (Amending Order 783, filed 10/5/88)

WAC 308-173-130 NURSING ASSISTANT—FEES. The following fees shall be charged by the professional licensing division of the department of ((licensing)) health:

Title of Fee	Fee
Application – registration	\$ 5.00
Renewal of registration	10.00
Duplicate registration	((15.00))
	5.00
((Certification)) Verification of	
registration/education	((25:00))
	10.00
Registration late penalty	10.00
Registration program approval	75.00
Application for certification	5.00
Certification renewal	10.00
Verification certification/education	10.00
Duplicate certification	5.00
Certification late penalty	10.00
Certification program approval	75.00

AMENDATORY SECTION (Amending Order PM 667, filed 8/27/87)

WAC 308-54-315 NURSING HOME ADMINISTRATOR FEES. The following fees shall be charged by the professional licensing division of the department of ((licensing)) health:

Title of Fee	Fee
Application (examination	
and original license)	((\$250.00))
	\$500.00
Reexamination (partial)	((200.00))
A - Design - Design - Sites	300.00 ((150.00))
Application—Reciprocity	400.00
Temporary permit	$((\frac{150.00}{1}))$
Temperary permit	400.00
Renewal	((160.00))
	380.00
Late renewal penalty	160.00
Duplicate license	((15.00))
0 ((6-4)	$\frac{25.00}{((25.00))}$
Certification	50.00
Administrator-in-training	2 75.00
- tammorator training	

AMENDATORY SECTION (Amending Order 784, filed 10/5/88)

WAC 308-310-010 NURSING POOL FEES. The following fees shall be charged by the professional licensing division of the department of ((licensing)) health.

Title	Fee
Registration application	\$ ((75.00))
	125.00
Registration renewal	((75.00))
-	125.00
Duplicate registration	15.00

AMENDATORY SECTION (Amending Order PM 650, filed 5/1/87)

WAC 308-138-080 OSTEOPATHIC FEES. The following fees shall be charged by the professional licensing division of the department of ((licensing)) health:

Title of Fee	Fee
Osteopath:	
Renewal	((\$ 30:00))
	\$300.00
Duplicate	15.00
Certification	25.00
Osteopathic physician:	
Endorsement application	((250.00))
	400.00
License renewal	((170.00))
	300.00
((Reciprocity	
Retake—Single subject	50.00
Retake—Full day	125.00
Retake—Over one day	200.00))
Late renewal penalty	50.00
Flex exam/state exam application	600.00
Endorsement/state exam application	500.00
Retake flex I	300.00
Retake flex II	350.00
Reexam	100.00
Duplicate license	15.00
Certification	25.00
Osteopathic physician assistant:	
Application	150.00
Renewal	50.00
Duplicate license	15.00
F	

AMENDATORY SECTION (Amending Order 783, filed 10/5/88)

WAC 308-117-500 PRACTICAL NURSE FEES. The following fees shall be charged by the professional licensing division of the department of ((licensing)) health:

Title of Fee	Fee
Application (examination and reexamination)	\$((35.00))
License renewal	55.00 ((25.00)) 31.00
Late renewal penalty	((10.00))
Inactive renewal	35.00 ((15.00)) 20.00
Inactive late renewal penalty	((5.00)) 20.00
Endorsement - reciprocity	((35.00)) 55.00
Duplicate license	((15.00)) 20.00
Certification	((25.00)) 40.00

AMENDATORY SECTION (Amending Order PM 650, filed 5/1/87)

WAC 308-122-275 PSYCHOLOGY FEES. The following fees shall be charged by the professional licensing division of the department of ((licensing)) health:

Title of Fee	Fce
Application	\$100.00
Application—Written examination	
(initial and retake)	((\$150.00))
,	200.00
Application—Oral examination	
(initial and retake)	((150:00))
(200.00
Renewal	210.00
Late renewal penalty	50.00
Duplicate license	15.00
Certificate of qualification	
application	((30.00))
_ 	100.00
Written examination	200.00
Oral examination	200.00
Certification	25.00
Renewal	210.00
Renewal penalty	50.00
Amendment of certificate of qualification	30.00

AMENDATORY SECTION (Amending Order 783, filed 10/5/88)

WAC 308-120-275 REGISTERED NURSE FEES. The following fees shall be charged by the professional licensing division of the department of ((licensing)) health:

Title of Fee	Fee
Application - examination	\$((30.00))
	40.00
License renewal	20.00
Late renewal penalty	((15.00))
	20.00
Inactive license renewal	10.00
Inactive late renewal penalty	5.00
Endorsement ((= reciprocity))	25.00
Duplicate license	15.00
Examination (((second - subsequent)) retake	
((or more)))	((30.00))
	<u>40.00</u>
((Certification)) Verification of	((2.5.00))
licensure/education	((25.00))
	15.00
ARNP application	25.00
ARNP renewal	20.00
ARNP late renewal penalty	15.00
ARNP with prescriptive	20.00
authorization application	30.00
ARNP with prescriptive	((20.00))
authorization renewal	((20.00))
	<u>40.00</u>
ARNP with prescriptive late	16.00
renewal penalty	15.00

AMENDATORY SECTION (Amending Order PM 650, filed 5/1/87)

WAC 308-152-030 VETERINARY FEES. The following fees shall be charged by the professional licensing division of the department ((licensing)) health:

Title of Fee	Fee
Veterinarian:	
National board examination (NBE)	
(initial/retake)	\$((110.00))
, ,	150.00
Clinical competency test (CCT)	
(initial/retake)	((85.00))
()	130.00
State examination ((initial/retake))	((75.00))
(initial exam/initial license)	225.00
State examination (retake)	150.00
Impaired veterinarian assessment	5.00
Temporary permit	((35.00))
• • •	100.00
((Initial license))	((40.00))

Title of Fee	Fee
Renewal	((75.00))
	``115.ÓÓ
Impaired veterinarian assessment	25.00
Late renewal penalty	$((\frac{25.00}{)})$
Late renewar penarty	140.00
Duplicate License	15.00
	25.00
Certification	23.00
Animal technician:	
National examination (initial/retake)	((70.00))
rational examination (initial) retaile)	95.00
State examination (initial/retake)	((50.00))
State examination (initial/retake)	100.00
1.2.2.3.92	((30.00))
Initial license	****
	60.00
Renewal	((30.00))
	60.00
Late renewal penalty	((10.00))
-	<u>60.00</u>
Duplicate license	15.00
Certification	25.00

Reviser's note: RCW 34.05.395 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

WSR 90-01-129 PROPOSED RULES BOARD OF HEALTH

[Filed December 20, 1989, 4:13 p.m.]

Original Notice.

Title of Rule: Adjudicative proceedings to the new Administrative Procedure Act. WAC 248-58-085, required by sections 95 and 125, chapter 175, Laws of 1989; 248-63-025, housekeeping; 248-97-130, adjudicative proceeding procedures moved to WAC 248-97-135 and changed to comply with new statutory law; 248-97-135, required by sections 95, 96, and 130, chapter 175, Laws of 1989; and 248-144-031, required by section 95, chapter 175, Laws of 1989.

Purpose: To conform board rules on adjudicative proceedings to the new Administrative Procedure Act, chapter 34.05 RCW, and other recent statutory changes.

Other Identifying Information: Emergency rule, WSR 89-22-093, effective October 31, 1989.

Statutory Authority for Adoption: WAC 248-58-085 is RCW 69.30.030; 248-63-025 is 43.20.050; 248-97-130 is 70.90.120; 248-97-135 is 70.90.120; 248-144-031 is 42.20.050; and chapter 34.05 RCW.

Statute Being Implemented: Chapter 34.05 RCW.

Summary: Adjudicative proceedings in programs administered by this department were affected by the new Administrative Procedure Act and other statutory changes that became effective July 1, 1989. These rules conform to the statutory changes.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: John Toohey, 1300 Quince Street, EY-16, 586-6815.

Name of Proponent: State Board of Health, governmental.

Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: Adjudicative proceedings administered by the board were affected by the new Administrative Procedure Act and other statutory changes that became effective July 1, 1989. These rules conform to the statutory changes.

Proposal does not change existing rules.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

Hearing Location: St. Placid Priory, Olympia, Washington, Multipurpose Room 1, on February 14, at 9:30 a.m.

Submit Written Comments to: Leslie Baldwin, 1300 Quince Street, Olympia, WA, by February 13, 1990.

Date of Intended Adoption: February 15, 1990.

December 15, 1989 Pamela Campbell Mead for Kristine M. Gebbie Secretary

NEW SECTION

WAC 248-58-085 NOTICE OF DECISION—ADJUDICA-TIVE PROCEEDING. (1) The department's notice of a denial, suspension, modification, or revocation of a license shall be consistent with RCW 43.20A.XXX and section 95, chapter 175, Laws of 1989. An applicant or license holder has the right to an adjudicative proceeding to contest the decision.

(2) The department's notice of imposition of a civil fine shall be consistent with RCW 43.20A.XXX and section 96, chapter 175, Laws of 1989. A person the department imposes a civil fine on has the right to an adjudicative proceeding to contest the decision.

(3) A license applicant or holder or a person the department imposes a civil fine on contesting a department decision shall within twenty-eight days of receipt of the decision:

(a) File a written application for an adjudicative proceeding by a method showing proof of receipt with the Office of Appeals, P.O. Box 2465, Olympia, WA 98504; and

(b) Include in or with the application:

(i) A specific statement of the issue or issues and law involved;

(ii) The grounds for contesting the department decision; and

(iii) A copy of the contested department decision.

(4) The proceeding is governed by the Administrative Procedure Act (chapter 34.05 RCW), this chapter, and chapter 248-08 WAC. If a provision in this chapter conflicts with chapter 248-08 WAC, the provision in this chapter governs.

AMENDATORY SECTION (Amending Order 309, filed 5/2/88)

WAC 248-63-025 PERMIT—ADMINISTRATION—ENFORCEMENT—EXEMPTIONS. (1) The operator shall:

(a) Submit a completed application to the department at least forty-five days prior to use of the temporary-worker housing;

(b) Have a permit from the department or health officer prior to initial occupancy;

(c) Produce the permit upon request of workers, representatives of workers, or representatives of governmental agencies; and

(d) Notify the department of a transfer of ownership.

(2) The operator may:

- (a) Allow the use of temporary-worker housing without a permit
- (i) More than forty-five days have passed since a completed application was submitted and received by the department or health officer as evidenced by the post mark; and
- (ii) The department or health officer has not inspected or issued a permit; and
- (iii) Other local, state, or federal laws, rules, or codes do not prohibit use of the temporary-worker housing.
- (b) Request in writing an exemption from the Washington state board of health; and

- (c) Appeal decisions of the department ((according)) to ((chapter 34.04 RCW)) an adjudicative proceeding governed by the Administrative procedure((s)) Act (chapter 34.05 RCW) and chapter 388-08 WAC.
- (3) The department may establish an agreement with a health officer whereby the health officer assumes responsibility for inspections, issuing permits, and enforcing chapter 248-63 WAC excluding exemptions.

(4) The department or health officer shall:

(a) Survey each premises of temporary-worker housing to ensure standards of this chapter are met, including inspection:

(i) Prior to issuance of initial permit;

(ii) Upon request of operator or occupant; and

(iii) At least once every year or more frequently as determined by the department or health officer.

(b) Respond to complaints;

- (c) Issue a permit to the operator when an on-site inspection reveals conditions meet or exceed the requirements in chapter 248-63 WAC;
- (d) Include on each permit the duration for which the permit is valid not to exceed two years;
- (e) Take appropriate enforcement action including any one or combination of the following:
 - (i) Develop corrective action including a compliance schedule;
 - (ii) Notify the operator concerning violations; and

(iii) Suspend or revoke the permit.

(f) Allow the operator to use temporary-worker housing without a permit as specified in subsection (2) of this section.

(5) The department or health officer may:

- (a) Issue a provisional permit when temporary-worker housing fails to meet the standards in this chapter if:
- (i) A written corrective action plan including a compliance schedule is approved by the department or health officer; or
- (ii) Pending the Washington state board of health's decision regarding an exemption request.
- (b) Establish and collect fee as authorized in chapter 43.20A RCW or RCW 70.05.060.

AMENDATORY SECTION (Amending Order 311, filed 6/22/88)

WAC 248-97-130 ENFORCEMENT. (1) The department or, if enforcement responsibility has been assigned under a joint plan of operation, the local health officer:

(a) Shall enforce the rules of chapter 248-97 WAC; or

(b) May refer cases within their jurisdiction to the local prosecutor's office or office of the attorney general, as appropriate.

- (2) When a RWCF is in violation of provisions of chapter 70.90 RCW or the rules of chapter 248-97 WAC, appropriate enforcement action may be initiated by the department, local health officer, local prosecutor's office, or office of the attorney general. Enforcement actions may include any one or a combination of the following:
- (a) Informal administrative conferences, convened at the request of the department, local health officer, or owner, to explore facts and resolve problems;
- (b) Orders directed to the owner and/or operator of the RWCF and/or the person causing or responsible for the violation of the rules of chapter 248-97 WAC;
- (c) Imposition of civil penalties of up to five hundred dollars per violation per day as authorized under RCW 70.90.200;

(d) Denial, suspension, or revocation of operating permits; and

- (e) Civil or criminal action initiated by the local prosecutor's office or by the office of the attorney general.
- (3) Orders authorized under this section include, but are not limited to, the following:
- (a) Orders requiring corrective measures necessary to effect compliance with chapter 248-97 WAC or chapter 70.90 RCW. Such orders may or may not include a compliance schedule; and
- (b) Orders to stop work and/or refrain from using any RWCF or portion thereof or improvement thereto until all permits, certifications, and approvals required by statute or rule are obtained.

(4) An order issued under this section shall:

(a) Be in writing;

- (b) Name the facility and the person or persons to whom the order is directed;
- (c) Briefly describe each action or inaction constituting a violation of chapter 70.90 RCW or the rules of chapter 248-97 WAC;
- (d) Specify any required corrective action or forbearance together with a schedule for completing such corrective action, if applicable;

- (e) Provide notice, as appropriate, that continued or repeated violation may subject the violator to:
 - (i) Civil penalties of up to five hundred dollars;
- (ii) Denial, suspension, or revocation of the facilities operating permits or
- (iii) Referral to the office of the county prosecutor or attorney general.
- (f) Provide the name, business address, and phone number of an appropriate staff person who may be contacted in regard to an order.
 - (5) Service of an order shall be made:
 - (a) Personally, unless otherwise provided by law; or
 - (b) By certified mail return receipt requested.
- (6) Under such rules or policies as the department or local health officer may adopt, civil penalties of up to five hundred dollars per violation per day may be assessed against any person violating the provisions of chapter 70.90 RCW or chapter 248-97 WAC.
- (7) The department or local health officer shall have cause to deny the application or reapplication for an operating permit or to revoke or suspend a required operating permit of any person who has:
 - (a) Previously had:
 - (i) An operating permit suspended or revoked; or
- (ii) An application for an operating permit denied for any reason whether in this state or any other state.
- (b) Failed or refused to comply with the provisions of chapter 70.90 RCW, chapter 248-97 WAC, or any other statutory provision or rule regulating the construction or operation of a RWCF; or
- (c) Obtained or attempted to obtain an operating permit or any other required certificate or approval by fraudulent means or misrepresentation.
- (8) For the purposes of subsection (7) of this section, a person shall be defined to include:
 - (a) Applicant;
 - (b) Reapplicant;
 - (c) Permit holder; or
- (d) Any individual associated with subsection (8)(a), (b), or (c) of this section including, but not limited to:
 - (i) Board members,
 - (ii) Officers,
 - (iii) Managers,
 - (iv) Partners,(v) Association members,
 - (vi) Employees,
 - (vii) Agents, and in addition
 - (viii) Third persons acting with the knowledge of such persons.
- (9) ((Any person aggrieved by the department's or local health officer's denial, suspension, or revocation of an operating permit may request an administrative hearing.
- (a) A hearing requested to contest a department action (departmental hearing) shall be governed by chapters 10-08 and 388-08 WAC. If any provision of this section conflicts with chapter 388-08 WAC, the provision in this section applies. The decision-making procedure shall be the initial decision, petition for review, and review decision procedure:
 - (b) A request for a department hearing must be in writing and:
 - (i) State the issue and law on which the appeal relies;
- (ii) State the grounds for contending the denial, suspension, or revo-
- (iii) Contain the appellant's current address and telephone number, if any, and
- (iv) Have a copy of the order or notice of denial, suspension, or revocation attached.
- (c) A request for a department hearing must be made within thirty days of the date the order or notice of denial, suspension, or revocation was received by the person:
- (d) The request for a department hearing shall be made by personal service to the Office of Hearings, Olympia, or certified mail addressed to the Office of Hearings at P.O. Box 2465, Olympia, Washington 98504-2465. When the request is mailed, it shall be treated as having been made on the date it was postmarked provided it is received by the Office of Hearings properly addressed and with no postage due:
- (c) A hearing requested to contest a local health officer's action shall be governed by the local health jurisdiction's rules for hearings.
- (10))) The department or local health officer may summarily suspend an operating permit, other required permit, license, or certification without a prior hearing if the department or local health officer:
- (a) Finds that public health, safety, or welfare imperatively requires emergency action; and

- (b) Incorporates a finding to that effect in its notice or order.
- (((11) The department or local health jurisdiction shall give priority to the scheduling and determination of any appeal from any notice or order issued under subsection (10) of this section.))

NEW SECTION

- WAC 248-97-135 NOTICE OF DECISION—ADJUDICATIVE PROCEEDING. (1) A hearing requested to contest a local health officer's action shall be governed by the local health jurisdiction's rules for hearings.
- (2)(a) The department's notice of a denial, suspension, modification, or revocation of a license shall be consistent with RCW 43.20A.XXX and section 95, chapter 175, Laws of 1989. An applicant or license holder has the right to an adjudicative proceeding to contest the decision.
- (b) A department notice of imposition of a civil fine shall be consistent with RCW 43.20A.XXX and section 96, chapter 175, Laws of 1989. A person the department imposes a civil fine on has the right to an adjudicative proceeding to contest the decision.
- (c) A license applicant or holder or a person the department imposes a fine on contesting a department decision shall within twenty-eight days of receipt of the decision:
- (i) File a written application for an adjudicative proceeding by a method showing proof of receipt with the Office of Appeals, P.O. Box 2465, Olympia, WA 98504; and
 - (ii) Include in or with the application:
 - (A) A specific statement of the issue or issues and law involved;
 - (B) The grounds for contesting the department decision; and
 - (C) A copy of the contested department decision.
- (d) The proceeding is governed by the Administrative Procedure Act (chapter 34.05 RCW), this chapter, and chapter 248-08 WAC. If a provision in this chapter conflicts with chapter 248-08 WAC, the provision in this chapter governs.

AMENDATORY SECTION (Amending Order 328, filed 5/17/89)

- WAC 248-144-031 LICENSING, ADMINISTRATION, ENFORCEMENT, EXEMPTION. (1) Licensees or prospective licensees shall:
- (a) Complete and submit an application along with the appropriate fee at least thirty days before:
 - (i) Opening a new transient accommodation;
 - (ii) Adding new units to an existing transient accommodation; or
 - (iii) Changing the license of a transient accommodation.
- (b) Request the department to complete a feasibility survey before applying for a license whenever an existing structure or property was not previously used or licensed as a transient accommodation;
- (c) Secure a valid license issued by the department before initially opening and by January 1 each year thereafter;
- (d) Submit a license renewal with the annual fee by December 10 of each year;
 - (e) Conspicuously display the license in the lobby or office;
- (f) Comply with a plan of corrective action if issued by the department; and
- (g) Allow the department to inspect the transient accommodation at any reasonable time.
 - (2)(a) Licensees may((:
 - (a))) request, in writing, an exemption from the department if:
 - (i) The health and safety of the occupant is not jeopardized;
- (ii) Strict enforcement of this chapter will create undue hardship for the licensee.
- (b) ((Appeal decisions of the department related to)) Exemption((s to the board under chapter 34.04 RCW, Administrative Procedure Act)) decisions shall be treated as licensing decisions under subsection (5) of this section.
- (3) Under chapter 70.62 RCW, the department shall have the authority to:
- (a) Inspect transient accommodations including unoccupied lodging units:
 - (i) Annually;
 - (ii) As needed; and
 - (iii) Upon request.
 - (b) Issue licenses annually upon receipt of the appropriate fee;
- (c) Issue a license for the person and premises named in the application when the applicant or licensee is in compliance with:
 - (i) Chapter 70.62 RCW and this chapter;

- (ii) The rules and regulations of the state director of fire protection; and
 - (iii) All applicable local codes and ordinances.
 - (d) Respond within thirty days to application requests;
 - (e) Respond to complaints;
- (f) Charge fees, authorized under chapters 43.20B and 70.62 RCW, to recover all or a portion of the costs of administering this chapter.
 - (4) The department shall have the authority to:
- (a) Deny, revoke, or suspend the license of a transient accommodation which fails to comply with chapter 70.62 RCW and this chapter;
 - (b) Take one or more of the following enforcement actions:
 - (i) Notify the licensee of violations;
 - (ii) Establish a corrective action plan and compliance schedule;
 - (iii) Issue a department order;
 - (iv) Revoke or suspend the license; and/or
 - (v) Initiate legal action.
- (c) Issue a provisional license when a transient accommodation does not meet the standards in this chapter under the following conditions:
- (i) The department has approved a written correction action plan, including a compliance schedule; or
- (ii) An application for change of licensure of an existing, currently licensed transient accommodation is pending; or
- (iii) The licensee is awaiting the board's decision regarding an exemption request; or
- (iv) The licensee is awaiting the ((department's decision regarding)) final order in an ((administrative decision)) adjudicative proceeding under chapter ((34.04)) 34.05 RCW.
- (d) Grant an exemption under subsection (2)(a)(i) and (ii) of this section
- (5)(a) The department's notice of a denial, suspension, modification, or revocation of a license or a request for an exemption under subsection (2) of this section shall be consistent with RCW 43.20A.XXX and section 95, chapter 175, Laws of 1989. An applicant or license holder has the right to an adjudicative proceeding to contest the decision.
- (b) A license applicant or holder contesting a department license or exemption decision shall within twenty-eight days of receipt of the decision:
- (i) File a written application for an adjudicative proceeding by a method showing proof of receipt with the Office of Appeals, P.O. Box 2465, Olympia, WA 98504; and
 - (ii) Include in or with the application:
 - (A) A specific statement of the issue or issues and law involved;
 - (B) The grounds for contesting the department decision; and
 - (C) A copy of the contested department decision.
- (c) The proceeding is governed by the Administrative Procedure Act (chapter 34.05 RCW), this chapter, and chapter 248-08 WAC. If a provision in this chapter conflicts with chapter 248-08 WAC, the provision in this chapter governs.

WSR 90-01-130 PROPOSED RULES DEPARTMENT OF HEALTH

[Filed December 20, 1989, 4:14 p.m.]

Original Notice.

Title of Rule: Repealing WAC 308-25-010; amending WAC 308-25-015 and 308-25-035; and new sections WAC 308-25-011, 308-25-031, 308-25-041, 308-25-045, 308-25-046 and 308-25-047. Licensure and education program approval for dental hygienists.

Purpose: To implement SHB 1894.

Statutory Authority for Adoption: Chapter 18.29 RCW.

Statute Being Implemented: Chapter 18.29 RCW.

Summary: To establish the licensure requirements by examination and interstate endorsement of credentials. To establish the standards and procedures for approval of education programs.

Reasons Supporting Proposal: To implement SHB 1894.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Carol Lewis, Program Manager, Olympia, WA, (206) 586-1867.

Name of Proponent: Department of Health, governmental.

Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: Establishes the application eligibility requirements for licensure by examination and interstate endorsement of credentials. Also, establishes the standards and procedures for education program approval for dental hygiene expanded functions. The education requirements will assure that minimum requirements have been met relative to the entire scope of practice which was not the case in the past. The approval of education programs will provide an avenue to obtain the appropriate education if they have not already done so. All will ensure protection of the health, safety and welfare of the public.

Proposal Changes the Following Existing Rules: Repeals WAC 308-25-010 and replaces it with WAC 308-25-011. WAC 308-25-011 is basically the same except it expands on the education requirements. It is now a statutory mandate to require education relative to the entire scope of practice. This was not in the statutory authority prior to new legislation which passed in the 1989 legislative session, SHB 1894. Amends WAC 308-25-015 and 308-25-035 to eliminate the theory examination in place of the national board examination for dental hygienists. This does not create any impact of any degree.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

Hearing Location: OB-2 Auditorium, 12th and Franklin, Olympia, Washington, on January 26, 1990, at 1:00.

Submit Written Comments to: Carol Lewis, Program Manager, Dental Hygiene Program, P.O. Box 1099, Olympia, Washington 98507–1099, by January 24, 1000

Date of Intended Adoption: January 29, 1990.

December 19, 1989 Pam Campbell Mead for Kristine Gebbie Secretary

AMENDATORY SECTION (Amending Order PL 585, filed 4/7/86)

WAC 308-25-015 EXAMINATION. (1) The dental hygiene examination will consist of both written and practical tests.

(a) Written tests—The written tests will include:

(i) ((Written theory test.)) Successful completion of the dental hygiene national board ((will be accepted in lieu of the written theory test)) examination.

- (ii) Washington state written test. All applicants must successfully complete a written test covering anesthesia, restorative dentistry, Washington state dental hygiene practice, and other subjects related to dental hygiene practice.
 - (b) Practical tests—The practical tests will include:
- (i) Patient evaluation test which will include a health history, extraoral and intraoral examination, periodontal charting and radiographs.
- (ii) Prophylaxis test which will include a clinical demonstration of a prophylaxis to consist of the removal of deposits from and the polishing of the surfaces of the teeth.
- (iii) Anesthesia test which will include applicants demonstrating the administration of a local anesthetic.

- (iv) Restorative test which will include demonstrating the insertion, condensation, carving and polishing of amalgam restorations.
- (2) Each applicant must furnish a patient for the patient evaluation test, prophylaxis test and anesthesia test. Patients must be at least eighteen years of age with a minimum of twenty-four teeth. A patient shall not be a dentist, dental student, or dental hygiene student. The state dental hygiene examining committee and the school of dentistry assume no responsibility regarding the work done on patients. Candidates will be required to furnish documentary evidence of malpractice and liability insurance for the examination.
- (3) The committee may, at its discretion, give a test in any other phase of dental hygiene. Candidates will receive information concerning each examination.
- (4) The applicant will comply with all written instructions provided by the board.

AMENDATORY SECTION (Amending Order PL 585, filed 4/7/86)

WAC 308-25-035 EXAMINATION RESULTS. (1) In order to pass the examination the applicant must:

- (a) ((Attain a score of 65% in the written theory test, OR)) Submit proof of successful completion of the national board of dental hygiene examination:
 - (b) Successfully complete the patient evaluation practical test;
 - (c) Successfully complete the prophylaxis practical test;
 - (d) Successfully complete the anesthetic practical test;
 - (e) Successfully complete the restorative practical test; and,
 - (f) Successfully complete the Washington state written test.
- (2) An applicant who passes at least three of the following tests may elect to retake only the tests failed: PROVIDED, That if the applicant has not passed all tests at the next examination administration offered then the entire examination must be retaken. The tests are:
 - (a) Patient evaluation practical;
 - (b) Prophylaxis case practical;
 - (c) Anesthetic practical;
 - (d) Restorative practical; and,
 - (e) Washington state written test.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 308-25-010 APPLICATION FOR EXAMINATION.

NEW SECTION

WAC 308-25-011 DENTAL HYGIENE EXAMINATION ELIGIBILITY. (1) To be eligible to take the Washington dental hygiene examination, the applicant must meet the following requirements:

- (a) The applicant must have successfully completed a dental hygiene education program approved by the secretary of the Department of Health pursuant to WAC 308-25-031.
- (b) The applicant must have completed the AIDS prevention and information education required by WAC 308-25-300.
- (c) The applicant must demonstrate, by affidavit, knowledge of Washington law pertaining to the practice of dental hygiene.
- (d) The applicant must complete the required application materials and pay the required nonrefundable fee.
- (2) Applications for the dental hygiene examination are available from the Department of Health, Professional Licensing Services, Dental Hygiene Program, P.O. Box 1099, Olympia, Washington 98507–1099. The completed application must be received by the Department of Health sixty days prior to the examination. The application must include:
 - (a) The required non-refundable examination fee.
- (b) Either the national board IBM card reflecting a passing score or a notarized copy of the national board certificate.
- (c) Two photographs of the applicant taken within one year preceding the application.
- (3) An official transcript or certificate of completion constitutes proof of successful completion from an approved dental hygiene education program. Applicants who will successfully complete the dental hygiene education program within forty-five days of the examination for which they are applying may submit as proof of successful completion a verified list of students successfully completing the program from the dean or director of the education program. No other proof of successful completion is acceptable. An applicant may complete the

application and be scheduled for the examination, but will not be admitted to the examination if the Department of Health has not received the required proof of successful completion.

(4) Applicants must provide documentary evidence of malpractice liability insurance covering their performance during the examination.

NEW SECTION

WAC 308-25-041 LICENSURE BY INTERSTATE ENDORSEMENT OF CREDENTIALS. A license to practice as a dental hygienist in Washington may be issued without examination provided the applicant meets the following requirements:

(1) The applicant has successfully completed a dental hygiene education program which is approved by the secretary of the Department

of Health pursuant to WAC 308-25-031.

- (2) The exam for licensure in the state or territory in which the applicant is using for endorsement must have included the following portions and standards and require passage of all portions and met the following standards:
 - (a) Written tests The written tests which includes:
 - (i) The National Board of Dental Hygiene examination.
- (ii) A state written test covering local anesthesia, nitrous oxide analgesia, restorative dentistry and other subjects related to dental hygiene practice.
- (b) Practical tests All portions should be graded by calibrated practicing dental hygienists and must have equivalent patient selection criteria for patient evaluation, prophylaxis and anesthesia portions.
- (i) Patient evaluation clinical competency test which includes a health history, extra-oral and intra-oral examination, periodontal charting and radiographs done on someone else's approved patient.
- (ii) Prophylaxis clinical competency test which includes a clinical demonstration of a prophylaxis to consist of the removal of deposits from and the polishing of the surfaces of the teeth.
- (iii) Anesthesia clinical competency test which includes a clinical demonstration of the administration of a local anesthetic.
- (iv) Restorative test which includes a clinical demonstration of the proper application of a matrix, the insertion, condensation, and carving of amalgam on a prepared Class II dentoform tooth and polishing on a condensed, carved and unpolished MOD amalgam restoration on a molar dentoform tooth.
- (3) The applicant holds a valid current license, and is currently engaged in practice as a dental hygienist in another state or territory which is determined to have licensing standards equivalent to Washington dental hygiene licensing standards. Verification of licensure must be obtained from the state or territory of licensure, and any fees for verification required by the state or territory of licensure must be paid by the applicant.
- (4) The applicant is not the subject of any disciplinary action in the state or territory of licensure and has not engaged in unprofessional conduct as defined in RCW 18.130.180 or is not an impaired practitioner under RCW 18.130.170.
- (5) The applicant has completed the AIDS prevention and information education required by WAC 308-25-300.
- (6) The applicant demonstrates to the secretary, by affidavit, knowledge of Washington law pertaining to the practice of dental hygiene.
- (7) The applicant completes the required application materials and pays the required non-refundable application fee. Applications for licensure by interstate endorsement are available from the Department of Health, Professional Licensing Services, Dental Hygiene Program, P.O. Box 1099, Olympia, Washington 98507-1099.
- (8) Applications shall request the state or territory of licensure to submit to the Washington State Department of Health the standards and criteria for the other states examination and licensing.

NEW SECTION

WAC 308-25-031 LICENSURE APPLICANT EDUCATION-AL REQUIREMENTS. (1) Dental hygiene education programs accredited by the American Dental Association Commission on Accreditation as of January 1981 pursuant to American Dental Association standards relevant to the accreditation of dental hygiene schools in effect in January 1981 are approved by the secretary of health: PROVIDED, That the education program's accreditation includes:

- (a) Clinical competency in the administration of injections of local anesthetic:
- (b) Clinical competency in the administration of nitrous oxide analgesia;

- (c) Clinical competency in the placement of restorations into cavities prepared by a dentist; and
- (d) Clinical competency in the carving, contouring, and adjusting contacts and occlusions of restorations.
- (2) Dental hygiene education programs accredited by the American Dental Association Commission on Accreditation as of January, 1981 which do not include the clinical competency enumerated in (1)(a) (d) above will be accepted if the applicant has successfully completed an expanded functions education program approved pursuant to WAC 308-25-045, WAC 308-25-046 and WAC 308-25-047.

NEW SECTION

WAC 380-25-045 APPLICATION PROCEDURES FOR APPROVAL OF DENTAL HYGIENE EXPANDED FUNCTIONS EDUCATION PROGRAMS. (1) The applicant must complete the required application materials and pay the required non-refundable fee.

- (2) Applications for the approval of dental hygiene expanded functions education programs are available from the Department of Health, Professional Licensing Services, Dental Hygiene Program, P.O. Box 1099, Olympia, Washington 98507-1099.
- (3) The application shall include but is not limited to a self study guide which reflects WAC 308-25-046 and WAC 308-25-047.
- (4) The application may include a site visit and evaluation at the discretion of the secretary of the Department of Health.
- (5) An approved dental hygiene expanded function education program shall be required to apply for evaluation annually and shall pay the required nonrefundable evaluation fee.

NEW SECTION

WAC 308-25-046 STANDARDS REQUIRED FOR APPROV-AL OF DENTAL HYGIENE EXPANDED FUNCTIONS EDU-CATION PROGRAMS. The standards for approval by the Secretary of the Department of Health of dental hygiene expanded functions education programs shall include:

- (1) Administration. Administrative structure must insure the attainment of program goals. Administration must include formal provisions for program planning, development, staffing, direction, coordination and evaluation.
- (2) Curriculum. The curriculum must be defined in terms of program goals, general and specific instructional objectives, learning experiences designed to achieve goals and objectives and evaluation procedures to assess attainment of goals and objectives.
- (a) Instructional objectives shall be defined in the cognitive, psychomotor and affective domains which are consistent with and contributory to the attainment of program goals.
- (b) Written documentation of all aspects of the curriculum, including comprehensive course outlines, must be prepared by the faculty.
- (c) There must be mechanisms for ongoing curriculum evaluation, revision and implementation.
- (3) Admissions. Admission of dental hygiene students must be based upon specific written criteria, procedures and policies.
- (a) The program administrator and faculty, in cooperation with appropriate college personnel, shall establish admission criteria procedures and policies that will be followed in accepting students.
- (b) Civil rights and non-discriminatory policies must be observed in admitting students.
- (4) Faculty. The program shall be staffed by faculty who are well qualified in curricular subject matter, dental hygiene functions and education methodology.
- (5) Facilities. Physical facilities and equipment must be adequate to permit achievement of dental hygiene program objectives. Facilities shall effectively accommodate the number of students, faculty and staff and include appropriate provisions for safety.
- (6) Learning Resources. A wide range of printed materials and instructional aids and equipment shall be available for utilization by students and faculty.
- (7) Students. Policies and procedures to protect and serve students must be established and implemented.
- (a) Ethical standards and policies to protect the students as consumers and avenues for appeal and due process must be provided.
- (b) Student records should accurately reflect work accomplished in the program and be maintained in a secure manner.
- (8) Assess Outcomes. The program must regularly evaluate the degree to which its goals are being met through a formal assessment of outcomes. Approved programs must design and implement their own

outcome measures to determine the degree to which their stated goals and objectives are met.

NEW SECTION

WAC 308-25-047 CURRICULUM REQUIREMENTS FOR EXPANDED FUNCTIONS DENTAL HYGIENE EDUCATION PROGRAMS APPROVAL. (1) Curriculum for expanded function dental hygiene education programs approved by the secretary of the Department of Health shall include:

- (a) Instruction in the administration of injections of a local anesthetic.
- (i) The basic curriculum shall not be less than twenty lecture clock hours and twelve clinic/lab clock hours.
- (ii) At least three clinical experiences on patients for each of the following injections and has demonstrated clinical proficiency in each function:

Infiltration: ASA, MSA, Nasal palatine, greater palatine.

Block: Long buccal and mental.

(iii) At least six clinical experiences on patients for each of the following injections and has demonstrated clinical proficiency in each function:

Block: Inferior alveolar and PSA.

Instruction in the administration of nitrous oxide analgesia. The basic curriculum shall not be less than five lecture clock hours and six clinic/lab clock hours.

(c) Instruction in restorative dentistry and specifically how to place restorations into the cavity prepared by the dentist and thereafter carve, contour, and adjust contacts and occlusion of the restoration. The basic curriculum shall not be less than twenty lecture clock hours, seventy lab clock hours and sixty clinic clock hours.

WSR 90-01-131 PROPOSED RULES DEPARTMENT OF HEALTH

[Filed December 20, 1989, 4:15 p.m.]

Original Notice.

Title of Rule: Funds for medical and dental services to community health clinics.

Purpose: To establish procedures for determining eligibility and distribution.

Statutory Authority for Adoption: Section 214(3), chapter 19, Laws of 1989 1st ex. sess.

Statute Being Implemented: Section 214(3), chapter 19, Laws of 1989 1st ex. sess.

Summary: Defines procedures for determining eligibility and distribution.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Max McMullen, Airdustrial Park, Building #14, Olympia, Washington 98504, 753-5469.

Name of Proponent: Department of Health, governmental.

Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: Establish procedures for determining eligibility and distribution.

Proposal does not change existing rules.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

Hearing Location: OB-2 Auditorium, 12th and Franklin, Olympia, Washington 98502, on January 26, 1990, at 1:00.

Submit Written Comments to: Leslie Baldwin, 1300 Quince Street, Olympia, WA, by January 25, 1990.

Date of Intended Adoption: January 29, 1990.

December 19, 1989 Pamela Campbell Mead for Kristine M. Gebbie Secretary

CHAPTER 248-170 WAC STANDARDS FOR COMMUNITY HEALTH CLINICS

NEW SECTION

WAC 248-170-001 PURPOSE. The purpose of this chapter is to establish procedures for determining eligibility and distribution of funds for medical and dental services to community health clinics under chapter 19, Section 214(3), 1st extraordinary session laws of 1989 including other state general fund appropriations for medical and dental services in community health clinics since 1985.

NEW SECTION

WAC 248-170-020 DEFINITIONS. For the purposes of these rules, the following words and phrases shall have these meanings unless the context clearly indicates otherwise. (1) "Community health clinic" means a public or private non-profit tax exempt corporation with the mission of providing primary health care to low income individuals at a charge based upon ability to pay.

- (2) "Department" means the Washington state department of health.
- (3) "Encounter" means a face-to-face contact between a patient and a health care provider exercising independent judgment, providing primary health care, and documenting the care in the individual's health record.
- (4) "Health care provider" means any person having direct or supervisory responsibility for the delivery of health care including:
 - (a) Physicians under Chapter 18.57 and Chapter 18.71 RCW;
 - (b) Dentists under Chapter 18.32 RCW;
 - (c) Certified Nurse Practitioner under Chapter 18.88 RCW;
 - (d) Physician's Assistant under Chapter 18.71A RCW;
 - (e) Dental Hygienist under Chapter 18.29 RCW;
 - (f) Licensed Midwife under Chapter 18.50 RCW; (g) Registered Nurse under Chapter 18.88 RCW.
- (h) Federal uniformed service personnel lawfully providing health
- care within Washington state.

 (5) "Low income individual" means an individual with income at or
- (5) "Low income individual" means an individual with income at or below 200% of federal poverty level under CFR Vol. 54, No. 31, Thursday, February 16, 1989. As published in the federal register.
- (6) "Primary health care" means a basic level of preventive and therapeutic medical and dental care, usually delivered in an outpatient setting, and focused on improving and maintaining the individual's general health.
- (7) "Relative value unit" means a standard measure of performance based upon time to complete a clinical procedure. The formula is 1 unit equals 10 minutes. A table is available from the department stating the actual values.
- (8) "Secretary" means the secretary of the department of health or the secretary's designee.
- (9) "User" means an individual having one or more primary health care encounters and counted only once during a calendar year

NEW SECTION

- WAC 248-170-100 ADMINISTRATION. The Department shall contract with community health clinics to provide primary health care in the state of Washington by; (1) Developing criteria for the selection of community health clinics to receive funding;
- (2) Establishing statewide standards governing the granting of awards and assistance to community health clinics;
- (3) Disbursing funds appropriated for community health clinics only to those clinics meeting the criteria in Chapter 248-170 WAC;
- (4) Distributing available state funds to community health clinics according to the following priority in the order listed;
- (a) First, to community health clinics that are private, nonprofit corporations classified exempt under Internal Revenue Service Rule 501 (c)(3) when governed by a board of directors including representatives from the populations served.
- (b) Second, to public health departments with an organized primary health clinic or division.

- (c) Third, to private non-profit or public hospitals with an organized primary health clinic or department.
- (5) Reviewing records and conducting on-site visits of contractors as necessary to assure compliance with these rules and;
- (6) Withholding funding from a contractor until such time as satisfactory evidence of corrective action is received and approved by the department, if the department determines:
 - (a) non-compliance with applicable state law or rule; or
 - (b) Non-compliance with the contract; or
- (c) Failure to provide such records and data required by the department to establish compliance with chapter 19, section 214(3), this chapter, and the contract; or
- (d) The contractor or applicant provided inaccurate information in the application.

NEW SECTION

WAC 248-170-130 APPLICATION FOR FUNDS. (1) The Department shall:

- (a) Upon request, supply a prospective applicant with an application kit for a contract requesting information as follows:
 - (b) Include in the application a request for information as follows:
 - (i) The applicant's name, address, and telephone number;
 - (ii) A description of the primary health care provided;
 - (iii) A brief statement of intent to apply for funds;
 - (iv) The signature of the agency's authorized representative;
- (v) Description of the nature and scope of services provided or planned;
- (vi) Evidence of a current financial audit establishing financial accountability; and
- (vii) A description of how the applicant meets eligibility requirements under WAC 248-170-160.
- (c) Notify existing contractors at least 90 days in advance of the date a new contract application is due to the department.
- (d) Review completed application kits for evidence of compliance with this section.
 - (e) Develop procedures for:
- (i) Awarding of funds for new contractors, special projects, and emergency needs of existing contractors; and
- (ii) Notifying existing and prospective contractors of procedures and application process.
 - (2) The applicant shall:
- (a) Complete the application on standard forms provided or approved by the Department; and
- (b) Return the completed application kit to the Department by the specified due date.

NEW SECTION

WAC 248-170-160 ELIGIBILITY. Applicants shall: (1) Demonstrate private, non-profit, tax exempt status incorporated in Washington State or public agency status under the jurisdiction of a local or county government;

- (2) Receive other funds from at least one of the following sources:
- (a) Section 329 of the Public Health Services Act,
- (b) Section 330 of the Public Health Services Act,
- (c) Community Development Block Grant funds,
- (d) Title V Urban Indian Health Service funds, or
- (e) Other public or private funds providing the clinic demonstrates:
- (i) 51% of total clinic population are low income;
- (ii) 51% or greater of funds come from sources other than programs under Chapter 248-170 WAC.
- (3) Operate as a community health clinic providing primary health care for at least eighteen months prior to applying for funding;
 - (4) By July 1, 1991 provide primary health care services with:
- (a) Twenty-four hour coverage of the clinic including provision or arrangement for medical and dental services after clinic hours;
- (b) Direct clinical services provided by one or more of the following: (i) Physician licensed under Chapter 18.57 RCW and Chapter 18.71A;
- (ii) Physician's assistant licensed under Chapter 18.71A RCW;
- (iii) Certified nurse practitioner under Chapter 18.88 RCW;
- (iv) Dentist under Chapter 18.32 RCW.
- (c) Provision or arrangement for services as follows:
- (i) Preventive health services on site or elsewhere including:
- (A) Eye and ear examinations for children;
- (B) Perinatal services;
- (C) Well-child services; and

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- (D) Family planning services.
- (ii) Diagnostic and treatment services of physicians and where feasible a physician's assistant and/or certified nurse practitioner, on site;
- (iii) Services of a dental professional licensed under Title 18 on site or elsewhere;
- (iv) Diagnostic laboratory and radiological services on site or elsewhere;
 - (v) Emergency medical services on site or elsewhere;
 - (vi) Arrangements for transportation services;
 - (vii) Preventive dental services on site or clsewhere; and
 - (viii) Pharmaceutical services, as appropriate, on site or elsewhere.
- (5) Demonstrate eligibility to receive and receipt of reimbursement from:
 - (a) Public insurance programs; and
 - (b) Public assistant programs, where feasible and possible.
- (6) Have established a sliding scale fee schedule for adjustment of charges, based upon the individual's ability to pay for low income individuals:
- (7) Provide health care regardless of the individual's ability to pay; and
- (8) Establish policies and procedures reflecting sensitivity to cultural and linguistic differences of individuals served and provide sufficient staff with the ability to communicate with the individuals;

NEW SECTION

WAC 248-170-200 ALLOCATION OF STATE FUNDS. The department shall allocate available funds to medical and dental contractors providing primary health care based on the following criteria: (1) MEDICAL

- (a) The department may withhold appropriated funds as follows:
- (i) As specified under law or up to ten percent to provide funding for new contractors, special projects, and emergency needs:
- (A) With distribution of any remaining portion of this ten percent among contractors by April 1 of each year;
- (B) Prorated according to the percentage of total medical contract funds distributed to each contractor.
 - (ii) Up to ten percent for administration.
- (b) The remainder of the appropriated funds is referred to as the "medical base". The medical base means the total amount of money appropriated by the legislature for the medical program minus the amounts specified in (a)(i) and (a)(ii) of this subsection. The medical base is distributed to medical contractors based upon the following formulas:
- (i) 40% of the medical base is distributed equally among all medical contractors.
- (ii) 30% of the medical base is distributed by the ratio of the contractor's Primary Health Care (PHC) medical users divided by the total medical users of all contractors as reported in the prior calendar year annual reports.

individual contractor's medical users

total of all contractors' medical users

X 30% medical base

(iii) 30% of the medical base is distributed by the ratio of the contractor's Primary Health Care (PHC) medical encounters by the total number of medical encounters reported by all contractors as reported in the prior calendar year annual reports.

individual contractor's medical encounters

X 30% medical base total of all contractors' medical encounters

- (2) DENTAL
- (a) The department may withhold appropriated funds as follows:
- (i) As specified under law or up to ten percent of appropriated funds to provide funding for new contractors, special projects, and emergency needs:
- (A) With distribution of any remaining portion of this ten percent among contractors by April 1 of each year:
- (B) Prorated according to the percentage of total dental contract funds distributed to each contractor.
 - (ii) Up to ten percent for administration.
- (b) The remainder of the funds is referred to as the dental base. The dental base means the total amounts appropriated by the legislature for dental programs minus the amounts specified in (i) and (ii) in part (a) of this subsection and as follows:
- (i) The dental base is distributed to dental contractors based upon the following formula until June 30, 1991:

- (A) 40% of the dental base is distributed equally among all dental contractors.
- (B) 30% of the dental base is distributed by the ratio of the contractor's Primary Health Care (PHC) medical users divided by the total medical users of all contractors as reported in the prior calendar year annual reports.

individual contractor's medical users

X 30% dental base total of all contractors' medical users

(C) 30% of the dental base is distributed by the ratio of the contractor's Primary Health Care (PHC) medical encounters by the total number of medical encounters of all contractors as reported in the prior calendar year annual reports.

individual contractor's medical encounters

X 30% dental base total of all contractors' medical encounters

- (ii) Starting July 1, 1991, the dental base is distributed to dental contractors based upon the following formula:
- (A) 40% of the dental base distributed equally among all dental contractors:
- (B) 30% of the dental base distributed by the ratio of contractor Primary Health Care (PHC) medical users divided by the total medical users of all contractors as reported in the prior calendar year annual reports.

individual contractor's medical users

X 30% dental base

(C) 30% of the dental base is distributed by the ratio of the contractor's relative value units (RVU) divided by the total relative value units of all contractors as reported in the prior calendar year annual reports.

individual contractor's RVU
total of all contractors' RVU
X 30% dental base

NEW SECTION

WAC 248-170-300 DISPUTE RESOLUTION PROCEDURES. The Department shall define dispute resolution procedures in the contract which shall be the exclusive remedy and shall be binding and final to all parties.

NEW SECTION

WAC 248-170-320 AUDIT REVIEW. Contractors shall: (1) Maintain books, records, documents, and other materials relevant to the provision of goods or services adequate to document the scope and nature of the goods or services provided;

- (2) Make the materials in subsection (1) available at all reasonable times for inspection by the department;
- (3) Retain these materials for at least three (3) years after the initial contract with the department;
- (4) Provide access to the facilities at all reasonable times for on-site inspection by the department; and
- (5) Submit annual reports consistent with the instructions of the Department.

WSR 90-01-132
NOTICE OF PUBLIC MEETINGS
DEPARTMENT OF HEALTH
(Examining Board of Psychology)
[Memorandum—December 20, 1989]

1990 Board Meeting Dates

January 12-13, 1990 Oral Examinations
Seattle Hilton
17620 Pacific Highway South
Seattle, WA 98188

February 9-10, 1990	Ramada Inn – Sea-Tac 18118 Pacific Highway South
	Salon E
	Seattle, WA 98188
March 9-10, 1990	Ramada Inn - Sea-Tac
,	18118 Pacific Highway South Salon E
	Seattle, WA 98188
April 20–21, 1990	West Coast Hotel
	18220 Pacific Highway South
	Cascade Room
	Seattle, WA 98188
May 11–12, 1990	Ramada Inn – Sea-Tac
	18118 Pacific Highway South Salon E
	Seattle, WA 98188
June 15-16, 1990	Oral Examinations
	Seattle Hilton
	17620 Pacific Highway South
	Seattle, WA 98188
July 13–14, 1990	Cypress Inn
	19801 7th Avenue N.E.
	Poulsbo, WA 98370
August	No meeting scheduled_
September 14–15, 1990	La Quinta Inn – Sea-Tac
	2824 South 188th
	Room 103–104
0-1-1-12-12-1000	Seattle, WA 98188
October 12–13, 1990	Cypress Inn
	22218 84th Avenue South
	Whidbey Room
November 0, 10, 1000	Kent, WA 98032
November 9–10, 1990	Cypress Inn
	22218 84th Avenue South
	Whidbey Room Kent, WA 98032
December 14-15, 1990	
December 14-15, 1990	22218 84th Avenue South
	Whidbey Room
	Kent, WA 98032

WSR 90-01-133 PROPOSED RULES DEPARTMENT OF HEALTH

[Filed December 20, 1989, 4:17 p.m.]

Continuance of WSR 89-20-032.

Title of Rule: Class IV human immundeficiency virus (HIV) insurance program — Definitions and eligibility requirements.

Purpose: To implement the Class IV human immundeficiency virus insurance program.

Statutory Authority for Adoption: Chapter 70.24 RCW.

Statute Being Implemented: Section 3, chapter 260, Laws of 1989.

Date of Intended Adoption: January 10, 1990.

December 18, 1989 Pamela Campbell Mead Deputy Secretary

WSR 90-01-134 PERMANENT RULES BOARD OF HEALTH

[Order 016-Filed December 20, 1989, 4:18 p.m.]

Date of Adoption: December 20, 1989.

Purpose: To establish procedures for the State Board of Health to consider exemptions, variances, and waivers from rules adopted by the board.

Citation of Existing Rules Affected by this Order: WAC 248-08-596 was inadvertently repealed through action by the Department of Social and Health Services prior to consultation or advice from the State Board of Health.

Statutory Authority for Adoption: Section 210, chapter 9, Laws of 1989, chapter 34.05 RCW.

Pursuant to notice filed as WSR 89-17-123 on August 23, 1989.

Effective Date of Rule: Thirty-one days after filing.

December 20, 1989 Pam Campbell Mead for Kristine Gebbie Secretary

AMENDATORY SECTION (Amending Order 289, filed 7/18/85)

WAC 248-08-596 VARIANCES, WAIVERS, AND EXEMPTIONS. The following procedure for considering requests for exemptions, waivers, or variances applies to all those rules and regulations of the Washington state board of health wherein the board of health has reserved the power to grant exemptions, waivers, and variances:

- (1) The ((director)) secretary of the department of health ((services division of the department of social and health services)) or a designee shall recommend, pursuant to the standards contained in the regulation from which the exemption, waiver, or variance is requested, that the request be granted or denied.
- (2) Written summaries of all exemptions, waivers, or variances proposed to be granted by the ((director)) secretary of the department of health or a designee shall be sent to all members of the board of health and may include written forms upon which the members may indicate approval or disapproval of the request.
- (3) Upon receipt by the ((director)) secretary of the department of health or a designee of written approval by eight members of the board of health, and provided no member disapproves, the approval shall take effect and the ((director)) secretary of the department of health or a designee shall notify the requesting party of the approval in writing.
- (4) If any member of the board of health shall disapprove the request within thirty days of notification by the ((director)) secretary of the department of health or a designee, the request shall be discussed by the board at its next regular meeting.
- (5) If a request is recommended for denial by the ((director)) secretary of the department of health or a designee, the request and recommendation shall be reviewed by the board at its next regular meeting.

Consideration by the board of requests for exemptions, waivers, and variances shall not be considered ((contested cases)) adjudicative proceedings as that term is defined in chapter ((34.04)) 34.05 RCW. Statements and written material regarding the request may be presented to the board at or before its meeting wherein the application will be considered. Allowing cross—examination of witnesses in such matters shall be within the discretion of the board.

WSR 90-01-135 PROPOSED RULES STATE BOARD OF EDUCATION

[Filed December 20, 1989, 4:22 p.m.]

Original Notice.

Title of Rule: WAC 180-25-025 State study and survey—Content; 180-27-050 Space allocations—Computing building capacity; 180-27-058 State assistance—Priorities; and 180-27-425 Removal from instructional space inventory—Replacement.

Purpose: To make additional needed changes to comprehensive school construction assistance program revisions made in chapters 180-25 and 180-27 WAC.

Other Identifying Information: These rules were adopted by the board on an emergency basis on December 1, 1989.

Statutory Authority for Adoption: RCW 28A.47.803, 28A.47.060 and 28A.47.802.

Statute Being Implemented: RCW 28A.47.105.

Summary: See above.

Reasons Supporting Proposal: See above.

Name of Agency Personnel Responsible for Drafting: Richard M. Wilson, Old Capitol Building, 753–2298; Implementation: David Moberly, Old Capitol Building, 753–6742; and Enforcement: Mike Roberts, Old Capitol Building, 753–6729.

Name of Proponent: State Board of Education, governmental.

Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: See above.

Proposal Changes the Following Existing Rules: See above.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

Hearing Location: Quinault Room, Tyee Hotel, 500 Tyee Drive, Tumwater, WA, on January 25, 1990, at 9:00 a.m.

Submit Written Comments to: Monica Schmidt, Executive Director, State Board of Education, Old Capitol Building, FG-11, Olympia, Washington 98504, by January 24, 1990.

Date of Intended Adoption: January 26, 1990.

December 20, 1989 Monica Schmidt Secretary AMENDATORY SECTION (Amending Order 24-85, filed 11/27/85)

WAC 180-25-025 STATE STUDY AND SURVEY—CONTENT. The study and survey to be conducted by the superintendent of public instruction with the cooperation of the local school district shall include the following:

- (1) An inventory and area analysis of existing school facilities within the district and the physical condition of such facilities;
- (2) A long-range (i.e., minimum of six years) educational and facilities plan setting forth the projected facility needs and priorities of the district based on the educational plan;
- (3) Demographic data including population projections and projected economic growth and development;
- (4) The ability of such district to provide capital funds by local effort:
 - (5) The existence of a school housing emergency;
- (6) The need to improve racial balance and/or to avoid creation or aggravation of racial imbalance;
- (7) The type and extent of the school facilities required and the urgency of need for such facilities;
- (8) A cost/benefit analysis on the need to modernize and/or replace school facilities in order to meet current educational needs and the current state building code;
- (9) A determination from data as to whether the district is eligible to receive funds from the state board of education for the construction and/or modernization of its school facilities;
- (10) A determination of the amount of space and the estimated state financial assistance the district is eligible to receive;
- (11) A determination of the district's time line for completion of the school facilities project;
- (12) An inventory of accessible unused or underutilized school facilities in neighboring school districts and the physical condition of such school facilities;
- (13) The need for adjustments of school attendance areas among or within such districts; and
- (14) Such other matters as the superintendent of public instruction deems pertinent to a decision by the state board of education in the allocation of funds for school facilities. Cooperation by the applicant school district in conducting the study and survey is a requisite for the superintendent of public instruction to complete the study and survey and to establish the eligibility of the district for state assistance in school facility construction.

AMENDATORY SECTION (Amending Order 11-83, filed 10/17/83)

WAC 180-27-050 SPACE ALLOCATIONS—COMPUTING BUILDING CAPACITY. The net total area of a school facility eligible for state matching purposes shall be calculated as follows:

- (1) The capacity of existing buildings within the district based on the school district's assigned grade spans shall be computed in accordance with the tables set forth in WAC 180-27-035 and the square foot area analysis set forth in WAC 180-27-040.
- (2) The number of students projected at each grade span shall be multiplied by appropriate numbers of square feet as set forth in WAC 180-27-035. (Note: The area generated at each grade level determines district eligibility, if any.)
- (3) The amount of housing the district is eligible to construct at each grade span is determined by subtracting the area computed in subsection (2) of this section from the existing housing capacity at each grade span in the school district. Using this formula, over housing at ((one grade span)) the secondary grade level, grades nine through twelve, or elementary grade level, kindergarten through eight, will not negatively affect unhoused eligibility at ((another grade span)) the elementary grade level or secondary grade level respectively.
- (4) Appropriate grade assignment is a local determination and shall not affect the above calculations.

AMENDATORY SECTION (Amending Order 25-85, filed 11/27/85)

WAC 180-27-058 STATE ASSISTANCE—PRIORITIES. The priority system for the funding of school construction projects during a priority approval process imposed by order of the state board of education shall be as follows:

(1) Priority one: New construction projects in districts with unhoused students other than those in priority two. Projects within this

priority shall be ranked as follows: The project with the highest percentage of unhoused students in the district by grade level on the date of project approval pursuant to WAC 180-25-040 shall be ranked highest—i.e., projected enrollment times authorized space allocation as calculated pursuant to WAC 180-27-035 divided by capacity of existing buildings as calculated pursuant to WAC 180-27-050(1). In the event two or more districts possess an equal percentage of unhoused students, the district with the greatest number of unhoused students shall be ranked the highest.

(2) Priority two: New construction projects in districts with unhoused students due to the need to replace a building. In the event the district is precluded from educating students in a facility due to bona fide condemnation procedures, such related space requirement shall be treated as unhoused students in priority one. Projects with this priority shall be ranked as follows: The project with the highest percentage of unhoused students in the district by grade level on the date of project approval pursuant to WAC 180-25-040 shall be ranked highest. In the event two or more districts possess an equal percentage of unhoused students, the district with the greatest number of unhoused students shall be ranked the highest.

(3) Priority three: All projects with secured local capital funding and authority to proceed pursuant to WAC 180-25-040 as of September 30, 1985, which are not included in priority one or two pursuant to this section. Projects within this priority shall be ranked pursuant to the priority system in effect as of September 30, 1985.

(4) Priority four: New construction of vocational-technical institutes and interdistrict cooperative vocational skill center facilities. Projects within this priority shall be ranked as follows: The project with the earliest date of project approval pursuant to WAC 180-25-040 shall be ranked highest. In the event two or more projects possess the same project approval date, the project with the earliest date of application received in the office of superintendent of public instruction shall be ranked the highest. Funding allocations for this priority shall not exceed ten percent of the available funds remaining after funding eligible projects in priorities one and two or for one vocational-technical institute or interdistrict skill center project, whichever is greater.

(5) Priority five: Modernization projects in districts with no unhoused students and not funded under priority three. Projects within this priority shall be ranked as follows: The project with the highest percentage of projected student occupancy shall be ranked the highest—i.e., projected enrollment times authorized space allocation as calculated pursuant to WAC 180-27-035 divided by capacity of existing buildings as calculated pursuant to WAC 180-27-050(1). In the event two or more projects possess an equal percentage, the highest ranking shall be given to the project with the earliest date of project approval pursuant to WAC 180-25-040. For the purpose of ranking within this subsection vocational technical institute and interdistrict cooperative facilities other than interdistrict transportation cooperatives shall be considered as independent school district projects: PRO-VIDED, That under no circumstances should this priority receive less than sixty percent of funds available for priorities four and five

(6) Priority six: New construction of interdistrict cooperative facilities which are not included in priority three, four, or seven. The project with the earliest date of project approval pursuant to WAC 180-25-040 shall be ranked the highest. In the event two or more projects possess the same project approval date, the project with the earliest date of application received in the office of superintendent of public instruc-

tion shall be ranked the highest.

(7) Priority seven: Interdistrict transportation cooperatives. Projects within this priority shall be ranked as follows: The project with the earliest date of project approval pursuant to WAC 180-25-040 shall be ranked the highest. In the event two or more projects possess the same project approval date, the project with the earliest date of application received in the office of superintendent of public instruction shall be ranked the highest.

NEW SECTION

WAC 180-27-425 REMOVAL FROM INSTRUCTIONAL SPACE INVENTORY-REPLACEMENT. A school facility shall be removed from the superintendent of public instruction's active instructional space inventory after it has been replaced with a school facility on a square footage basis through one of the following actions:

(1) The replacement school facility is wholly financed with local district funds; or

(2) The replacement school facility is constructed with state funding assistance authorized under the authority of chapter 180-33 WAC.

WSR 90-01-136 PROPOSED RULES STATE BOARD OF EDUCATION

[Filed December 20, 1989, 4:23 p.m.]

Original Notice.

Title of Rule: WAC 180-25-300, Project approval moratorium and 180-29-300, Project approval moratorium.

Purpose: To repeal school construction moratorium in order to implement revised rules.

Other Identifying Information: These rules were repealed by the board on an emergency basis on December

Statutory Authority for Adoption: RCW 28A.47.803, 28A.47.060 and 28A.47.802.

Statute Being Implemented: RCW 28A.47.105.

Summary: Repeals school construction moratorium.

Reasons Supporting Proposal: See above.

Name of Agency Personnel Responsible for Drafting: Richard Wilson, Old Capitol Building, 753-2298; Implementation: David Moberly, Old Capitol Building, 753-6742; and Enforcement: Mike Roberts, Old Capitol Building, 753-6729.

Name of Proponent: Board of Education. governmental.

Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: See above.

Proposal Changes the Following Existing Rules: See above.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

Hearing Location: Quinault Room, Tyee Hotel, 500 Tyee Drive, Tumwater, WA, on January 25, 1990, at 9:00 a.m.

Submit Written Comments to: Monica Schmidt, Executive Director, State Board of Education, Old Capitol Building, FG-11, Olympia, Washington 98504, by January 24, 1990.

Date of Intended Adoption: January 26, 1990.

December 20, 1989 Monica Schmidt Secretary

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 180-29-300 PROJECT APPROVAL MORATORIUM.

REPEALER

The following section of the Washington Administrative Code is

WAC 180-25-300 PROJECT APPROVAL MORATORIUM.

WSR 90-01-137 PERMANENT RULES STATE BOARD OF EDUCATION

[Filed December 20, 1989, 4:25 p.m.]

Date of Adoption: December 1, 1989.

Purpose: Repeal of student learning objective language in supplemental basic education requirements due to legislative action making review of the objectives a part of the self-study process.

Citation of Existing Rules Affected by this Order: Repealing WAC 180-16-220(3); and amending WAC 180-16-220(4) renumbered to WAC 180-16-220(3).

Statutory Authority for Adoption: RCW 28A.58.754(6).

Other Authority: SB 6157, RCW 28A.58.085 and 28A.58.090.

Pursuant to notice filed as WSR 89-21-078 on October 18, 1989.

Effective Date of Rule: Thirty-one days after filing.

December 8, 1989 Monica Schmidt Secretary

AMENDATORY SECTION (Amending Order 14-86, filed 9/29/86)

WAC 180-16-220 SUPPLEMENTAL PROGRAM AND BASIC EDUCATION ALLOCATION ENTITLEMENT REQUIREMENTS. The following requirements, while not imposed by the "Basic Education Act of 1977," are hereby established by the state board of education as related supplemental conditions to a school district's entitlement to state basic education allocation funds.

- (1) Student to certificated staff ratio requirement. The ratio of students enrolled in a school district to full-time equivalent certificated employees shall not exceed twenty-three to one: PROVIDED, That nonhigh school districts or school districts that have a student enrollment of two hundred fifty or less in grades nine through twelve may, as an alternative to the foregoing requirement, have a ratio of students to full-time equivalent certificated classroom teachers of twenty-six to one or less. For the purpose of this subsection, "certificated employees" shall mean those employees who are required by state statute or by rule of the state board of education, or by written policy of the school district to possess a professional education permit, certificate or credential issued by the superintendent of public instruction, as a condition to employment and "classroom teacher" shall be defined as in WAC 180-16-210 and the students to classroom teachers ratio shall be computed in accordance with WAC 180-16-210(1).
- (2) Current and valid certificates. Every school district employee required by WAC 180-75-055 to possess a professional education permit, certificate, or credential issued by the superintendent of public instruction for his/her position of employment, shall have a current and valid permit, certificate or credential. In addition, effective August 31, 1987, classroom teachers, principals, vice principals, and educational staff associates shall be required to possess endorsements as required by WAC

180-16-221, 180-16-231, and 180-16-236, respectively.

- (3) ((Student learning objectives. Each school district shall have implemented a program of student learning objectives in the areas of language arts, reading, mathematics, social studies, and physical education for grades kindergarten through twelve. On or before September 1, 1988, school districts shall have initiated implementation of the student learning objectives in all other course(s)/subjects(s) taught in the K-12 common schools.
- (a) Each school district must evidence community participation in defining the objectives of such a mogram.
- (b) The student learning objectives of such program shall be measurable as to the actual student attainment. Student attainment shall be locally assessed annually.
- (c) The student learning objectives program shall be reviewed by the district according to one of the following options:

Option A: The district shall review all student learning objectives in all required course/subject areas at least every two years.

Option B: If the district board of directors determines that its curriculum review, textbook review, or self-study process includes a review of the district's student learning objectives program, such school district may provide for the periodic review of all or a part of its student learning objectives program in accordance with the time schedule the district has established for one or more of the aforementioned processes. Periodic review under option B shall take place at least every seven years.

In developing and reviewing the learning objectives, districts shall give specific attention to improving the depth of course content within courses and in coordinating the sequence in which subject matter is presented.

(4))) Other program requirements self evaluation. Each school district shall adopt a procedure to ensure awareness of and compliance with other program requirements, including provisions set forth in WAC 180–16–240.

WSR 90-01-138 PERMANENT RULES STATE BOARD OF EDUCATION

[Filed December 20, 1989, 4:26 p.m.]

Date of Adoption: December 1, 1989.

Purpose: To make changes and additions in self-study rules and to delete the student learning objectives requirement from WAC 180-16-220.

Citation of Existing Rules Affected by this Order: Amending WAC 180-53-025, 180-53-050 and 180-53-055.

Statutory Authority for Adoption: RCW 28A.58.085. Pursuant to notice filed as WSR 89-21-081 on October 18, 1989.

Effective Date of Rule: Thirty-one days after filing.

December 8, 1989

Monica Schmidt Secretary AMENDATORY SECTION (Amending Order 22-85, filed 12/2/85)

WAC 180-53-025 SELF-STUDY CRITERIA. The self-study process shall include an emphasis in the following areas:

- (1) The participation of staff, parents, community members, and students where appropriate to their age;
- (2) A comprehensive assessment of the instructional program, staff, services, learning resources, student activities, and facilities; ((and))
- (3) The implementation of a program for student learning objectives in the areas of language arts, mathematics, social studies, physical education, and all other course(s)/subject(s) taught in grades kindergarten through twelve in the common schools. This program shall be reviewed by the building steering committee in accordance with a time schedule the district has established for their self-study. Periodic review shall take place at least every seven years;
- (4) An analysis of class size and staffing patterns within the school district; and
- (5) The development of a plan for program improvement.

Public schools that are accredited pursuant to the self-study procedures of the state board of education or the Northwest Association of Schools and Colleges as specified in chapter 180-55 WAC shall be judged to have complied with the criteria stated above.

AMENDATORY SECTION (Amending Order 22-85, filed 12/2/85)

WAC 180-53-050 SUBSEQUENT SELF-STUDY CYCLE PLAN—REPORT TO SUPERINTENDENT OF PUBLIC INSTRUCTION. Each school district shall report to the superintendent of public instruction, by ((May 31)) June 15 of the final year of a self-study cycle, a plan for the implementation of a self-study in each public school within the district's jurisdiction during the next self-study cycle. The report shall include:

- (1) A schedule for self-study;
- (2) Assurance that the self-study criteria specified in WAC 180-53-025 will be implemented; and
- (3) Whether a waiver is being requested for economic reasons pursuant to WAC 180-53-060.

AMENDATORY SECTION (Amending Order 22-85, filed 12/2/85)

WAC 180-53-055 ((ANNUAL)) BIENNIAL REPORT—TO SUPERINTENDENT OF PUBLIC INSTRUCTION. Each district shall ((annually)) report every two years to the superintendent of public instruction by ((May 31)) June 15 on the scheduling and implementation of the self-study activities in each public school. The report shall contain the following:

- (1) Dates of self-study completion;
- (2) Assurance that the self-study criteria specified in WAC 180-53-025 have been met;
- (3) An indication of the self-study model implemented, for example, the ((input/standards assessment

(WAC 180-55-055), the process/outcome analysis (WAC 180-55-060)) state board of education accrediting process (chapter 180-55 WAC), the Evaluative Criteria published by the National Study of School Evaluation, or district developed procedure; and

(4) Whether a waiver is being requested for economic reasons pursuant to WAC 180-53-060.

WSR 90-01-139 PROPOSED RULES SUPERINTENDENT OF PUBLIC INSTRUCTION

[Filed December 20, 1989, 4:27 p.m.]

Original Notice.

Title of Rule: Finance—Special allocations—I989-91 Local education enhancement program.

Purpose: Implementation of section 523, chapter 19, Laws of 1989 1st ex. sess., the Omnibus Appropriations Act, known as the local education enhancement program.

Other Identifying Information: The program is generally referred to as the "state education block grant program."

Statutory Authority for Adoption: RCW 28A.41.170(1).

Statute Being Implemented: See Purpose above.

Summary: The 1989 legislature included \$54,463,000 to finance enhancement of school district education programs. These moneys are to be distributed on a per pupil basis with additional support being provided to small school districts. In order to receive these moneys, school districts must perform various procedural steps and spend the moneys solely on specified educational programs.

Reasons Supporting Proposal: Implements Omnibus Appropriations Act.

Name of Agency Personnel Responsible for Drafting: Richard Michael Wilson, Old Capitol Building, 753–2298; Implementation: Robert M. Schley, Old Capitol Building, 753–1717; and Enforcement: Dr. David L. Moberly, Old Capitol Building, 753–6742.

Name of Proponent: Superintendent of Public Instruction, governmental.

Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: See Summary and Purpose.

Proposal Changes the Following Existing Rules: See Purpose and Summary.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

Hearing Location: Wanamaker Conference Room, Old Capitol Building, Olympia, Washington 98504, on January 26, 1990, at 9:00 a.m.

Submit Written Comments to: Richard M. Wilson, Legal Services, Old Capitol Building, by January 23, 1990.

Date of Intended Adoption: January 26, 1990.

December 20, 1989 Judith A. Billings Superintendent of Public Instruction

NEW SECTION

WAC 392-140-190 1989-91 LOCAL EDUCATION PROGRAM ENHANCEMENT—APPLICABLE PROVISIONS. WAC 392-140-190 through 392-140-202 apply to the distribution of moneys to school districts for local education program enhancement pursuant to section 523, chapter 19, Laws of 1989 1st ex. sess. This section provides moneys for enhancement of school district education programs.

NEW SECTION

WAC 392-140-191 1989-91 LOCAL EDUCATION PROGRAM ENHANCEMENT—DEFINITION—ANNUAL AVERAGE FULL-TIME EQUIVALENT STUDENTS. As used in this chapter, "annual average full-time equivalent students" means the same as defined in WAC 392-121-133.

NEW SECTION

WAC 392-140-192 1989-91 LOCAL EDUCATION PROGRAM ENHANCEMENT—DEFINITION—SCHOOL YEAR. As used in this chapter, "school year" means the same as defined in WAC 392-121-031.

NEW SECTION

WAC 392-140-193 1989-91 LOCAL EDUCATION PROGRAM ENHANCEMENT—DEFINITION—FOLLOWING SCHOOL YEAR. As used in WAC 392-140-190 through 392-140-202, the term "following school year" means the school year immediately following the school year for which the allocation of local education program enhancement moneys are made.

NEW SECTION

WAC 392-140-194 1989-91 LOCAL EDUCATION PROGRAM ENHANCEMENT—DEFINITION—ALLOCATION ENROLLMENT. As used in this chapter, "allocation enrollment" means the school district's annual average full-time equivalent students except in the following cases:

(1) For a school district enrolling less than one hundred annual average full-time equivalent students, allocation enrollment means the sum of the following:

(a) The greater of sixty or the annual average full-time equivalent students enrolled in kindergarten through sixth grade;

(b) The greater of twenty or the annual average full-time equivalent students enrolled in seventh through eighth grade; and

(c) The greater of sixty or the annual average full-time equivalent students enrolled in ninth through twelfth grade.

(2) For a school district operating small school plants designated remote and necessary, allocation enrollment means the sum of the following:

(a) The school districts annual average full-time equivalent enrollment less the annual average full-time equivalent enrollment in the small school plants designated remote and necessary; plus

(b) For the small school plant designated remote and necessary:

(i) The greater of sixty or the annual average full-time equivalent students enrolled in kindergarten through sixth grade;

(ii) The greater of twenty or the annual average full-time equivalent students enrolled in seventh through eighth grade; and

(iii) The greater of sixty or the annual average full-time equivalent students enrolled in ninth through twelfth grade.

NEW SECTION

WAC 392-140-195 1989-91 LOCAL EDUCATION PROGRAM ENHANCEMENT—DEFINITION—PROCEDURAL REQUIREMENTS. As used in this chapter, the term "procedural requirements" means that the school district board of directors has:

(1) Assessed the needs of the schools within the school district;

- (2) Prioritized those needs identified in subsection (1) of this section; and
 - (3) Developed;
- (a) An expenditure plan for the allocation of local education program enhancement moneys; and
 - (b) An evaluation methodology to assess benefits to students.

NEW SECTION

WAC 392-140-196 1989-91 LOCAL EDUCATION PROGRAM ENHANCEMENT—DEFINITION—ELIGIBLE PROGRAMS. As used in this chapter, "eligible programs" means those programs meeting the educational needs identified by the school district in completing its procedural requirements in the following program areas:

- (1) Prevention and intervention services in the elementary grades;
- (2) Reduction of class size;
- (3) Early childhood education;
- (4) Student-at-risk programs, including dropout prevention and retrieval, and substance abuse awareness and prevention;
- (5) Staff development and in-service programs;
- (6) Student logical reasoning and analytical skill development;
- (7) Programs for highly capable students;
- (8) Programs involving students in community services;
- (9) Senior citizen volunteer programs; and
- (10) Other programs that enhance a school district's basic education program.

NEW SECTION

WAC 392-140-197 1989-91 LOCAL EDUCATION PROGRAM ENHANCEMENT—DEFINITION—SPI FORM 1161. As used in WAC 392-140-190 through 392-140-202, the term "SPI Form 1161" means the form prepared by the superintendent of public instruction on which school districts report the estimated actual expenditures by each eligible program for the current school year. SPI Form 1161 also provides for an explanation of any expenditures shown against other programs that enhance a school district's basic education program.

NEW SECTION

WAC 392-140-198 1989-91 LOCAL EDUCATION PROGRAM ENHANCEMENT—SCHOOL DISTRICT APPLICATION AND APPLICATION DEADLINE. (1) Each school district shall submit an application attesting that the school district board of directors:

(a) Has met all procedural requirements;

(b) Will expend local education program enhancement moneys on eligible programs; and

(c) Submit a report by November 1 of the following school year setting forth such information on the school district's use of local education program enhancement moneys as required on SPI Form 1161.

(2) Applications shall be filed with the superintendent of public instruction according to the following:

(a) January 31, 1990, for those school districts receiving local education program enhancement moneys for both the 1989-91 and 1990-91 school years; or

(b) January 31, 1991, for those school districts receiving local education program enhancement moneys for only the 1990-91 school year.

NEW SECTION

WAC 392-140-199 1989-91 LOCAL EDUCATION PROGRAM ENHANCEMENT—CALCULATION OF SCHOOL YEAR ALLOCATION. The superintendent of public instruction shall calculate the school year allocation of local education enhancement moneys by multiplying \$35.26 by the school year allocation enrollment.

NEW SECTION

WAC 392-140-200 1989-91 LOCAL EDUCATION PROGRAM ENHANCEMENT—APPORTIONMENT OF THE ANNUAL ALLOCATION. The superintendent of public instruction shall apportion local education program enhancement moneys upon receipt of an application in like manner and with the same conditions as that provided in WAC 392-121-400.

WAC 392-140-201 1989-91 LOCAL EDUCATION PROGRAM ENHANCEMENT—END OF YEAR REPORT. Each school district shall submit a completed SPI Form 1161 by November 1 of the following school year.

NEW SECTION

WAC 392-140-202 1989-91 LOCAL EDUCATION PROGRAM ENHANCEMENT—CARRYOVER PROHIBITION. Local education program enhancement moneys which remain unspent at the end of a school year by a school district for the applicable school year will revert to the state treasury. The basis for the reversion will be the direct expenditures reported on SPI Form F-196, Program 75 compared to the school year allocation for the applicable school year.

WSR 90-01-140 PERMANENT RULES SUPERINTENDENT OF PUBLIC INSTRUCTION

[Order 23—Filed December 20, 1989, 4:29 p.m.]

Date of Adoption: November 22, 1989.

Purpose: To set forth the policies and procedures to be used by the Superintendent of Public Instruction to implement RCW 28A.100.080 through 28A.100.092.

Citation of Existing Rules Affected by this Order: Repealing WAC 392-126-005 and amending [new sections] WAC 392-126-400 through 392-126-440.

Statutory Authority for Adoption: RCW 28A.100.090(1).

Pursuant to notice filed as WSR 89-21-097 on October 18, 1989.

Effective Date of Rule: Thirty-one days after filing.

December 20, 1989 Judith A. Billings Superintendent of Public Instruction

FINANCE—PARTNERSHIPS AMONG SMALL SCHOOL DISTRICTS

NEW SECTION

WAC 392-126-400 AUTHORITY. The authority for this chapter is RCW 28A.100.090(1) which authorizes the superintendent of public instruction to adopt rules and regulations as are necessary to implement the cooperative partnerships among small school districts program.

NEW SECTION

WAC 392-126-405 PURPOSE. The purpose of this chapter is to set forth the policies and procedures to implement the cooperative partnerships among small school districts program set forth in RCW 28A.100.080 through 28A.100.092.

NEW SECTION

WAC 392-126-410 DEFINITION—ELIGIBLE SCHOOL DISTRICTS. As used in this chapter, "eligible school district" means a school district eligible for funding as a small high school district pursuant to the state Omnibus Appropriations Act in effect when the

school districts are approved for participation in a cooperative project.

NEW SECTION

WAC 392-126-415 DEFINITION—SCHOOL YEAR. As used in this chapter, "school year" means the same defined in WAC 392-121-031.

NEW SECTION

WAC 392-126-420 APPLICATION PROCESS. Eligible school districts may apply to participate in a cooperative partnership for a period of five years. If additional eligible school districts wish to join the cooperative partnership at a later date, the cooperative partnership shall reapply as a whole. The application shall be reviewed by the superintendent of public instruction for the following:

- (1) The granting of waivers from rules and regulations; and
 - (2) Technical accuracy.

The applicant school districts may not commence the proposed cooperative partnership until the superintendent of public instruction has completed the review of the application: PROVIDED, That for those cooperative programs approved by the superintendent of public instruction pursuant to RCW 28A.03.448 through 28A.03.450 shall be allowed to continue operations until they have had applications reviewed by the superintendent of public instruction.

NEW SECTION

WAC 392-126-425 APPLICATION PROCESS—CONTENT OF COOPERATIVE PARTNERSHIP APPLICATION. The cooperative partnership application will include the following:

- (1) A description of the cooperative project, including the programs, services, and administrative activities to be jointly operated;
- (2) The improvements in curriculum offerings and educational opportunities expected to result from the establishment of the cooperative project;
- (3) A list of statutory requirements or administrative rules which act as financial disincentives to the establishment and/or would impede the operation of the cooperative project;
- (4) The financial impact to the school districts and the state that would result from the waiving of the statutory requirement or administrative rules;
- (5) An assessment of community support for the proposed cooperative project, including an assessment of each affected community; and
- (6) A plan for evaluating the educational and costeffectiveness of the proposed cooperative project. The evaluation plan shall include a means of evaluating curriculum offerings and staffing patterns.

NEW SECTION

WAC 392-126-430 APPLICATION PROCESS—WAIVERS FROM RULES AND REGULATIONS. The superintendent of public instruction may grant

waivers for five years from rules and regulations if they meet the following conditions:

- (1) That the rules and regulations have been adopted by the superintendent of public instruction pursuant to express statutory authority;
- (2) That waiving the rules will not affect the health, safety, or civil rights of students, parents, or staff; and
- (3) That the request for waiver has been expressly stated in the cooperative partnership application.

NEW SECTION

WAC 392-126-435 REPORTING PROCESS. Each school district participating in cooperative partnership shall submit the following reports:

- (1) By September 1 of the third school year of continuous operation, a report on the progress of the cooperative partnership in meeting the objectives set forth in the application pursuant to WAC 392-126-425.
- (2) By September 1 of the fifth school year of continuous operation, a report evaluating the success of the cooperative partnership in meeting the objectives set forth in the application submitted pursuant to WAC 392-126-425.

NEW SECTION

WAC 392-126-440 REPORTING PROCESS—REAPPLICATION. The report submitted pursuant to WAC 392-126-435(2) may include an application for continuation of the cooperative partnership. The contents of this application will conform to the requirements set forth in WAC 392-126-425 and will be subject to review by the superintendent of public instruction set forth in WAC 392-126-420.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 392-126-005 AUTHORITY.

WSR 90-01-141 PERMANENT RULES SUPERINTENDENT OF PUBLIC INSTRUCTION

[Order 22—Filed December 20, 1989, 4:30 p.m.]

Date of Adoption: November 22, 1989.

Purpose: To clarify existing rules and implement section 11, chapter 223, Laws of 1989, changing the definition of a school holiday.

Citation of Existing Rules Affected by this Order: Amending WAC 392-129-003 through 392-129-130.

Statutory Authority for Adoption: RCW 28A.41.170(2).

Pursuant to notice filed as WSR 89-21-100 on October 18, 1989.

Effective Date of Rule: Thirty-one days after filing.

December 20, 1989
Judith A. Billings
Superintendent of
Public Instruction

AMENDATORY SECTION (Amending Order 87-11, filed 9/15/87)

WAC 392-129-003 AUTHORITY. The authority for this chapter is RCW 28A.41.170(2) which authorizes the superintendent of public instruction to establish the terms and conditions for allowing <u>a</u> school district((s)) to receive ((basic education moneys)) <u>an allocation of state moneys</u> when ((said)) the school district((s are)) is unable, due to an unforeseen emergency, to fulfill the following statutory requirements: ((of))

- (1) One hundred eighty days of operation; or ((to meet))
- (2) The total program hour offerings, teacher contact hours, or course mix and percentage requirements imposed by law.

AMENDATORY SECTION (Amending Order 81-26, filed 10/8/81)

WAC 392-129-005 PURPOSE ((AND CONSTRUCTION)). This chapter shall govern a school district's entitlement to ((basic education)) allocations ((funds)) of state moneys pursuant to RCW 28A.41.170(2) for any school year during which it is unable to conduct the kindergarten program, first through twelfth grade program, or both due to one or more unforeseen emergencies such that the following statutory requirements cannot be met:

- (1) The minimum number of school days; and/or
- (2) Program hour offerings, teacher contact hours, and course mix and percentages ((required by law for the kindergarten program and/or the grade one through twelve program (or that portion offered by a district) by reason of one or more unforeseen conditions. The provisions of this chapter shall be narrowly construed by the superintendent of public instruction)).

NEW SECTION

WAC 392-129-008 CONSTRUCTION OF CHAPTER. The provisions of this chapter shall be narrowly construed by the superintendent of public instruction.

AMENDATORY SECTION (Amending Order 82-9, filed 7/28/82)

WAC 392-129-010 DEFINITION((S))—SCHOOL DAY. As used in this chapter, ((the term:

(1) "Unforescen conditions" shall mean a natural event, including but not necessarily limited to, a fire, flood, explosion, storm, earthquake, epidemic, or volcanic eruption that has the direct or indirect effect of rendering one or more school district facilities unsafe, unhealthy, inaccessible, or inoperable; and

An unforeseen mechanical failure or an unforeseen action or inaction by one or more persons, including negligence and threats, that (a) is beyond the control of both a school district board of directors and its employees and (b) has the direct or indirect effect of rendering one or more school district facilities unsafe, unhealthy, inaccessible, or inoperable. Such actions, inactions or

mechanical failures may include, but are not necessarily limited to, arson, vandalism, riots, insurrections, bomb threats, bombings, delays in the scheduled completion of construction projects, and the discontinuance or disruption of utilities such as heating, lighting and water: PROVIDED, That an unforeseen action or inaction shall not include any labor dispute between a school district board of directors and any employee of the school district.

A condition is foreseeable for the purposes of this subsection to the extent a reasonably prudent person would have anticipated prior to August first of the preceding school year that the condition probably would occur during the ensuing school year because of the occurrence of an event or a circumstance which existed during such preceding school year or a prior school year. A board of directors of a school district is deemed for the purposes of this subsection to have knowledge of events and circumstances which are a matter of common knowledge within the school district and of those events and circumstances which can be discovered upon prudent inquiry or inspection.

- (2) A "school day" shall mean a calendar day on which all students enrolled in the pre-school handicapped/kindergarten through twelfth grade program of a school district are scheduled for participation in educational activity which is planned, supervised, and conducted by or under the supervision of the school district certificated staff and on which day all, or any portion, of the students enrolled in the program actually commence participation in such educational activity.
- (3) A "vacation day" shall mean a day other than (a) a school day, (b) a school holiday as defined in RCW 28A.02.061, and (c) an inservice day for employees of the district that was scheduled prior to the unforeseen school closure and is actually used for that purpose.
- (4) A "reasonable effort" shall, in the case of total district closures, mean the rescheduling and/or extension of the school district's instructional calendar in an effort to attain the minimum number of school days and program hour offerings, teacher contact hours, and course mix and percentages accruing therefrom required by law by (a) extending the school year to and through at least June fourteenth and (b) the use of scheduled vacation days: PROVIDED, That in no case shall a district be deemed to have made a reasonable effort unless at least three school days and program hour offerings, teacher contact hours, and course mix and percentages accruing therefrom, which have been lost by all the schools in the entire district by reason of one or more unforeseen conditions shall have in fact been made up)) "school day" means the same as defined in WAC 392-121-033.

AMENDATORY SECTION (Amending Order 81-26, filed 10/8/81)

((SUPERINTENDENT'S WAC 392-129-015 **DETERMINATION OF ELIGIBILITY**)) DEFINI-TION-VACATION DAY. (((1) Total district closures. If a reasonable effort has been made to make up all school days and program hour offerings, teacher contact hours, and course mix and percentages accruing therefrom lost by all the schools in an entire district by reason of one or more unforeseen conditions, but fewer than the minimum number of school days and program hour offerings, teacher contact hours, and course mix and percentages accruing therefrom required by law have been conducted, the school district will nevertheless be credited with full annual basic education allocation.

- (2) Individual school closures. In the event that a district comprising more than one school is unable to operate a school for the minimum number of school days required by law to be conducted, the district may apply to the superintendent of public instruction or his designee for credit-for its full annual basic education allocation. Such application shall be granted only upon a conclusive demonstration by the district to the satisfaction of the superintendent that one or more unforeseen conditions prevented the district from operating the school. If such conclusive demonstration is provided, the superintendent shall have the discretion to excuse such district from the obligation to make up such school days for that school and the program hours, teacher contact hours, and course mix and percentages accruing therefrom; however such excuse for that school shall not exceed two scheduled school days per incident nor three scheduled school days per school year.
- (3) Whenever a district satisfies the definition of a school day specified in WAC 392-129-010(2) it also shall be deemed to have accrued all hours, as originally scheduled for that day, toward meeting its program hour offerings, teacher contact hours; and course mix and percentages requirements.)) As used in this chapter, vacation day" means a day other than:
 (1) A school day;

 - (2) A school holiday defined in RCW 28A.02.061;
 - (3) Saturday unless actually used for a school day; or
- (4) An inservice day for employees of the school district that:
- (a) Was scheduled prior to the unforeseen school closure; and
 - (b) Was actually used for that purpose.

AMENDATORY SECTION (Amending Order 81-26, filed 10/8/81)

WAC 392-129-020 ((RATE OF REDUCTION IN ANNUAL BASIC EDUCATION ALLOCATION)) DEFINITION—SCHOOL YEAR. ((For each school day short of the minimum number of school days required by law which a school district fails to conduct by reason of one or more unforeseen conditions, and/or by reason of any other cause, and for which the school district is not entitled to its basic education allocation pursuant to this chapter, the superintendent of public instruction shall reduce the basic education allocation of the district for that school year by one one-hundred and eightieth in the case of total district closures. In the case of individual school closures such one-hundred and eightieth daily reduction in the district's basic education allocation shall be multiplied by that fraction resulting from dividing the full time equivalent student enrollment of such individual school by the fulltime equivalent student enrollment of the district. Kindergarten and grade one through twelve programs shall be considered separately for the purpose of computing compliance with

minimum school day and/or program hour offerings requirements and any loss of basic education allocation.)) As used in this chapter, "school year" means the same as defined in WAC 392-121-031.

AMENDATORY SECTION (Amending Order 85-2, filed 4/10/85)

WAC 392-129-030 ((APPLICATION OF CHAPTER TO HALF DAY KINDERGARTEN PROGRAMS)) DEFINITION—CURRENT SCHOOL YEAR. ((The following shall apply to the cancellation of either the morning or afternoon kindergarten program in a school district due to an unforeseen emergency:

(1) In the event a district has both a morning and afternoon kindergarten program scheduled on a school day and the district cancels the morning program and commences the afternoon kindergarten program, the district need not make up such school day, program hour offering, teacher contact hours, and course mix percentages required by law for the morning kindergarten program.

(2) In the event a district has both a morning and afternoon kindergarten program scheduled on a school day and the district commences the school day with the morning kindergarten program, the district may cancel the afternoon kindergarten program without making up such school day, program hour offering, teacher contact hours, and course mix and percentages required by law for the afternoon program.)) As used in this chapter, "current school year" means the same as defined in WAC 392-139-052.

NEW SECTION

WAC 392-129-035 DEFINITION—PRECED-ING SCHOOL YEAR. As used in this chapter, "preceding school year" means the school year immediately preceding the current school year.

NEW SECTION

WAC 392-129-040 DEFINITION—PRIOR SCHOOL YEAR. As used in this chapter, "prior school year" means any one of nine school years immediately preceding the prior school year.

NEW SECTION

WAC 392-129-045 DEFINITION—NATURAL EVENT. As used in this chapter, "natural event" means, but is not limited to, a fire, flood, explosion, storm, earthquake, epidemic, or volcanic eruption.

NEW SECTION

WAC 392-129-050 DEFINITION—ME-CHANICAL FAILURE. As used in this chapter, "mechanical failure" means a discontinuation or disruption of utilities such as heating, lighting, or water beyond the control of a school district board of directors and its employees.

NEW SECTION

WAC 392-129-060 DEFINITION—ACTION OR INACTION BY ONE OR MORE PERSONS. As used

in this chapter, "action or inaction by one or more persons" means, but is not limited to, arson, vandalism, riots, insurrections, bomb threats, bombing, or delays in the scheduled completion of construction projects beyond the control of a school district board of directors and its employees. It shall not mean any labor dispute between a school district board of directors and any employee.

NEW SECTION

WAC 392-129-065 DEFINITION—UNFORE-SEEN. As used in this chapter, "unforeseen" means the extent that a reasonably prudent person could not have anticipated, prior to August 1st of the preceding school year, that natural events, mechanical failures, or actions or inactions by one or more persons would probably occur during the current school year due to the occurrence of an event or circumstances during a preceding or prior school year.

NEW SECTION

WAC 392-129-070 DEFINITION—FORE-SEEABLE. As used in this chapter, "foreseeable" means the extent that a reasonably prudent person could have anticipated prior to August 1st of the preceding school year, that natural events, mechanical failures, or actions or inactions by one or more persons would probably occur during the current school year due to the occurrence of an event or circumstances during a preceding or prior school year.

NEW SECTION

WAC 392-129-080 DEFINITION—FORE-SEEABLE SCHOOL CLOSURE DAYS. As used in this chapter, "foreseeable school closure days" means those days that are foreseeable in order to provide the school district with the ability to make up lost school days due to foreseeable natural events, mechanical failure, or action or inaction by one or more persons that would lead to all schools being unsafe, unhealthy, inaccessible, or inoperable.

NEW SECTION

WAC 392-129-090 DEFINITION—DISTRICT—WIDE EMERGENCY CLOSURE. As used in this chapter, "district—wide emergency closure" means that all school buildings in the school district are unsafe, unhealthy, inaccessible, or inoperable due to one or more unforeseen natural events, mechanical failures, or actions or inactions by one or more persons.

NEW SECTION

WAC 392-129-100 DEFINITION—SCHOOL EMERGENCY CLOSURE. As used in this chapter, "school emergency closure" means a school in the school district comprised of more than one school that is unsafe, unhealthy, inaccessible, or inoperable due to one or more unforeseen natural events, mechanical failures, or actions or inactions by one or more persons.

WAC 392-129-105 DEFINITION—REASON-ABLE EFFORT. As used in this chapter, "reasonable effort" means the:

- (1) Extension of the school year to and through June 14th; and
- (2) Use of scheduled vacation days and foreseeable school closure days, to attain the minimum number of school days and program hour offerings, teacher contact hours, and course mix and percentages required by law. In no case shall a school district be considered to have made a reasonable effort unless at least three school days and program hour offerings, teacher contact hours, and course mix percentage which have been lost have in fact been made up.

NEW SECTION

WAC 392-129-110 DEFINITION—ANNUAL AVERAGE FULL-TIME EQUIVALENT STUDENTS. As used in this chapter, "annual average full-time equivalent students" means the same as defined in WAC 392-121-133.

NEW SECTION

WAC 392-129-115 SEPARATE CONSIDERATION GIVEN TO THE KINDERGARTEN AND FIRST THROUGH TWELFTH GRADE PROGRAMS. For the purpose of computing compliance with minimum school days, program hour offerings, or both resulting in a loss of allocations of state moneys, the kindergarten and the first through twelfth grade programs shall be considered separately.

NEW SECTION

WAC 392-129-120 APPLICATION OF CHAPTER TO HALF-DAY KINDERGARTEN PROGRAMS. In the event a school district offers both a morning and afternoon kindergarten program and cancels either but not both the morning or afternoon session due to one or more unforeseen natural events, mechanical failures, or actions or inactions by one or more persons, the school district shall be considered as having met the school day, program hour offering, teacher contact hours, and course mix percentages for the canceled session.

NEW SECTION

WAC 392-129-125 DISTRICT-WIDE EMER-GENCY CLOSURE—SCHOOL DISTRICT APPLICATION TO THE SUPERINTENDENT OF PUBLIC INSTRUCTION. A school district applying for continuation of state support during a district-wide emergency closure will submit the following information:

- (1) The name of the school district;
- (2) The name of the superintendent of the school district;
 - (3) A statement signed by the superintendent that:
- (a) The school district board of directors has reviewed the application and supports its submittal; and

- (b) Any foreseeable school closure days are not included in the request:
- (4) The unforeseen natural events, mechanical failures, or actions or inactions by one or more persons which caused the district—wide emergency closure;
- (5) The specific dates of the district-wide emergency closure: and
- (6) The specific dates that the school district has scheduled to make up the lost days.

NEW SECTION

WAC 392-129-130 DISTRICT-WIDE EMERGENCY CLOSURE—SUPERINTENDENT OF PUBLIC INSTRUCTION'S DETERMINATION OF ELIGIBILITY. The superintendent of public instruction shall review each application submitted for a district—wide closure to determine if a reasonable effort has been made to make up all school days and program hour offerings, teacher contact hours, and course mix percentages required by law lost due to the district—wide emergency closure.

NEW SECTION

WAC 392-129-135 DISTRICT-WIDE EMERGENCY CLOSURE—IMPLEMENTATION OF SUPERINTENDENT OF PUBLIC INSTRUCTION'S DETERMINATION OF ELIGIBILITY. If the superintendent of public instruction determines that the school district has made a reasonable effort to make up all school days and program hour offerings, teacher contact hours, and course mix percentages required by law, the school district shall receive its full annual allocation of state moneys. If the superintendent of public instruction determines that the school district has not made a reasonable effort, the school district has not made a reasonable effort, the school district sannual allocation of state moneys shall be reduced by the number of days lost due to the district-wide emergency closure divided by one hundred eighty.

NEW SECTION

WAC 392-129-140 SCHOOL EMERGENCY CLOSURE—SCHOOL DISTRICT APPLICATION TO THE SUPERINTENDENT OF PUBLIC INSTRUCTION. A school district applying for continuation of state support during a school emergency closure will submit the following information:

- (1) The name of the school district;
- (2) The name of the superintendent of the school district;
- (3) A statement signed by the superintendent that the school district board of directors has reviewed the application and supports its submittal;
- (4) The name(s) of the individual schools which did not operate;
- (5) The unforeseen natural events, mechanical failures, or actions or inactions by one or more persons which caused the school emergency closure;
- (6) The specific dates of the school emergency closure; and
- (7) The specific dates that the school district has scheduled to make up the lost days.

WAC 392-129-145 SCHOOL EMERGENCY CLOSURE—SUPERINTENDENT OF PUBLIC INSTRUCTION'S DETERMINATION OF ELIGIBILITY. The superintendent of public instruction shall review each application submitted for a school closure to determine if the application provides a conclusive demonstration that one or more unforeseen natural events, mechanical failures, or actions or inactions by one or more persons prevented the school district from operating the school. Whenever a school district provides a school day, it shall be considered as meeting all hours, as originally scheduled for that day, toward meeting its program hour offerings, teacher contact hours, and course mix percentage requirements.

NEW SECTION

WAC 392-129-150 SCHOOL EMERGENCY CLOSURE—IMPLEMENTATION OF SUPERIN-TENDENT OF PUBLIC INSTRUCTION'S DETER-MINATION OF ELIGIBILITY. If the superintendent of public instruction determines that the school district has provided a conclusive demonstration that one or more unforeseen natural events, mechanical failures, or actions or inactions by one or more persons prevented the school district from operating the school, the school district shall receive its full annual allocation of state moneys. However, the superintendent of public instruction may only excuse the school district for up to two scheduled school days per incident and not for more than three scheduled school days per school year. If the district did not conclusively demonstrate that it was prevented from operating the school(s), its allocation of state moneys shall be reduced by:

- (1) Dividing the number of days lost by one hundred eighty;
- (2) Multiplying the result obtained in subsection (1) of this section by the annual average full-time equivalent enrollment in the school; and
- (3) Dividing the result obtained in subsection (2) of this section by the annual average full-time equivalent enrollment in the school district.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 392–129–013 APPLICATION TO SUPER-INTENDENT OF PUBLIC INSTRUCTION.

WSR 90-01-142 PERMANENT RULES SUPERINTENDENT OF PUBLIC INSTRUCTION

[Order 25-Filed December 20, 1989, 4:31 p.m.]

Date of Adoption: November 22, 1989.

Purpose: To implement section 502 (10)(b) an (c) chapter 19, Laws of 1989 1st ex. sess., the Omnibus Appropriations Act, establishing conditions under which

school districts may receive moneys for certificated instructional staff set forth in RCW 28A.41.140 (2)(c).

Citation of Existing Rules Affected by this Order: Amending chapter 392-140 WAC.

Statutory Authority for Adoption: RCW 28A.41.170(1).

Pursuant to notice filed as WSR 89-21-098 on October 18, 1989.

Effective Date of Rule: Thirty-one days after filing.

December 20, 1989 Judith A. Billings Superintendent of Public Instruction

NEW SECTION

WAC 392-140-300 1989-91 CERTIFICATED INSTRUCTIONAL STAFF ENHANCEMENT MONEYS—APPLICABLE PROVISIONS. The provisions of WAC 392-140-300 through 392-140-335 apply to the determination of kindergarten through third grade enhancement moneys which are in addition to the statutory general apportionment moneys allocated pursuant to RCW 28A.41.140 (2)(c). Compliance with these sections does not assure compliance with:

- (1) RCW 28A.41.110(2), which requires each school district to maintain a ratio of at least forty-six basic education certificated instructional staff per thousand annual average full-time equivalent students; or
- (2) RCW 28A.41.130, which requires that the ratio of students per classroom teacher in grades kindergarten through three be no greater than the ratio of students per classroom teacher in grades four and above.

NEW SECTION

WAC 392-140-301 1989-91 CERTIFICATED INSTRUCTIONAL STAFF ENHANCEMENT MONEYS—AUTHORITY. The authority for WAC 392-140-300 through 392-140-335 is:

- (1) Section 502(10), chapter 19, Laws of 1989 1st ex. sess. (the Omnibus Appropriations Act); and
 - (2) RCW 28A.41.170(1).

NEW SECTION

WAC 392-140-302 1989-91 CERTIFICATED INSTRUCTIONAL STAFF ENHANCEMENT MONEYS—PURPOSE. The purpose of WAC 392-140-300 through 392-140-335 is to set forth the policies and procedures used by the superintendent of public instruction to determine the amount of moneys to be provided to school districts for certificated instructional staff above that set forth in RCW 28A.41.140 (2)(c).

NEW SECTION

WAC 392-140-303 1989-91 CERTIFICATED INSTRUCTIONAL STAFF ENHANCEMENT MONEYS—DEFINITION—SCHOOL DISTRICT. As used in WAC 392-140-300 through 392-140-335, "school district" means a school district which is eligible to receive kindergarten through third grade enhancement moneys.

WAC 392-140-304 1989-91 CERTIFICATED INSTRUCTIONAL STAFF ENHANCEMENT MONEYS—DEFINITION—SPI FORM E-672. As used in WAC 392-140-300 through 392-140-335, "SPI Form E-672" means the form prepared and distributed to those school districts operating state institutional education program for the purpose of reporting enrollment.

NEW SECTION

WAC 392-140-305 1989-91 CERTIFICATED INSTRUCTIONAL STAFF ENHANCEMENT MONEYS—DEFINITION—FULL-TIME EQUIVALENT BASIC EDUCATION ENROLLMENT. As used in WAC 392-140-300 through 392-140-335, "full-time equivalent basic education enrollment" means for the period selected by the school district:

- (1) Total full-time equivalent students reported by a school district pursuant to WAC 392-121-122; minus
- (2) Handicapped full-time equivalent students calculated pursuant to WAC 392-122-131 and based on the enrollment reported by a school district pursuant to WAC 392-122-106; minus
- (3) Full-time equivalent students enrolled in learning centers reported by a school district on SPI Form E-672.

NEW SECTION

WAC 392-140-306 1989-91 CERTIFICATED INSTRUCTIONAL STAFF ENHANCEMENT MONEYS—DEFINITION—FULL-TIME EQUIVALENT KINDERGARTEN THROUGH THIRD GRADE BASIC EDUCATION ENROLLMENT. As used in WAC 392-140-300 through 392-140-335, "full-time equivalent kindergarten through third grade basic education enrollment" means for the period selected by the school district:

- (1) Total full-time equivalent kindergarten through third grade students reported by a school district pursuant to WAC 392-121-122; minus
- (2) Handicapped full-time equivalent students of ages six through eight calculated pursuant to WAC 392-122-131 based on enrollment reported by a school district pursuant to WAC 392-122-106.

NEW SECTION

WAC 392-140-307 1989-91 CERTIFICATED INSTRUCTIONAL STAFF ENHANCEMENT MONEYS—DEFINITION—FULL—TIME EQUIVALENT KINDERGARTEN THROUGH THIRD GRADE BASIC EDUCATION ENROLLMENT INCLUDING HANDICAPPED ENROLLMENT. As used in WAC 392-140-300 through 392-140-335, "full—time equivalent kindergarten through third grade basic education enrollment including handicapped enrollment" means total full—time equivalent kindergarten through third grade students for the period selected and reported by a school district pursuant to WAC 392-121-122.

NEW SECTION

WAC 392-140-308 1989-91 CERTIFICATED INSTRUCTIONAL STAFF ENHANCEMENT MONEYS—DEFINITION—SPI FORM S-275. As used in WAC 392-140-300 through 392-140-335, "SPI Form S-275" means the same as defined in WAC 392-121-220.

NEW SECTION

WAC 392-140-309 1989-91 CERTIFICATED INSTRUCTIONAL STAFF ENHANCEMENT MONEYS—DEFINITION—SCHOOL YEAR. As used in WAC 392-140-300 through 392-140-335, "school year" means the same as defined in WAC 392-121-031.

NEW SECTION

WAC 392-140-310 1989-91 CERTIFICATED INSTRUCTIONAL STAFF ENHANCEMENT MONEYS—DEFINITION—CURRENT SCHOOL YEAR. As used in WAC 392-140-300 through 392-140-335, "current school year" means the school year for which the calculations set forth in WAC 392-140-300 through 392-140-335 are being performed.

NEW SECTION

WAC 392-140-311 1989-91 CERTIFICATED INSTRUCTIONAL STAFF ENHANCEMENT MONEYS—DEFINITION—FOLLOWING SCHOOL YEAR. As used in WAC 392-140-300 through 392-140-335, "following school year" means the school year immediately after the current school year.

NEW SECTION

WAC 392-140-312 1989-91 CERTIFICATED INSTRUCTIONAL STAFF ENHANCEMENT MONEYS—DEFINITION—ACADEMIC YEAR. As used in WAC 392-140-300 through 392-140-335, "academic year" means any nine-month period within the current school year in which the minimum one hundred eighty school days required by law is conducted.

NEW SECTION

WAC 392-140-313 1989-91 CERTIFICATED INSTRUCTIONAL STAFF ENHANCEMENT MONEYS—DEFINITION—FULL—TIME EQUIVALENT BASIC EDUCATION CERTIFICATED INSTRUCTIONAL EMPLOYEE. As used in WAC 392-140-300 through 392-140-335, "full-time equivalent basic education certificated instructional employee" means for a basic education certificated instructional employee as defined in WAC 392-121-210 the full-time equivalent calculated pursuant to WAC 392-121-215.

NEW SECTION

WAC 392-140-314 1989-91 CERTIFICATED INSTRUCTIONAL STAFF ENHANCEMENT

MONEYS—DEFINITION—FULL-TIME EQUIVA-LENT KINDERGARTEN THROUGH THIRD GRADE BASIC EDUCATION CERTIFICATED IN-STRUCTIONAL EMPLOYEE. As used in WAC 392– 140–300 through 392–140–335, "full-time equivalent kindergarten through third grade basic education certificated instructional employee" means for a full-time equivalent basic education certificated instructional employee the following:

- (1) If the basic education certificated instructional employee serves only kindergarten through third grade students, one hundred percent of the full-time equivalent assigned to basic education; or
- (2) If the basic education certificated instructional employee serves kindergarten through third grade students and students of one or more other grades, multiply the full-time equivalent assigned to basic education by:
- (a) The proportion of time spent serving kindergarten through third grade students to all time serving students;
- (b) The proportion of kindergarten through third grade students served to all students served; or
- (c) Any combination of (2)(a) or (2)(b) of this subsection as appropriate.

NEW SECTION

WAC 392-140-315 1989-91 CERTIFICATED INSTRUCTIONAL STAFF ENHANCEMENT MONEYS—DEFINITION—FULL-TIME EQUIVALENT KINDERGARTEN THROUGH THIRD GRADE BASIC EDUCATION CERTIFICATED INSTRUCTIONAL STAFF. As used in WAC 392-140-300 through 392-140-335, "full-time equivalent kindergarten through third grade basic education certificated instructional staff" means the sum of full-time equivalent kindergarten through third grade basic education certificated instructional employees for a school district.

NEW SECTION

WAC 392-140-316 1989-91 CERTIFICATED INSTRUCTIONAL STAFF ENHANCEMENT MONEYS—DEFINITION—ADDITION FULL—TIME EQUIVALENT. As used in WAC 392-140-300 through 392-140-335, "addition full-time equivalent" means the increase in full-time equivalent for a basic education certificated instructional employee who is not reported on SPI Form S-275 or whose certificated instructional full-time equivalent is increased after October 1 of the current school year calculated as follows:

- (1) Determine the basic education certificated instructional full-time equivalent that would have been reported for the employee on SPI Form S-275 if the employee had served the full academic year at the level of service after the contract change;
- (2) Subtract the basic education certificated instructional full-time equivalent as of October 1 as reported for the employee on SPI Form S-275 from the result obtained in subsection (1) of this section;
- (3) Multiply the result obtained in subsection (2) of this section by the number of months remaining in the academic year, including the month the change occurred; and

(4) Divide the result obtained in subsection (3) of this section by nine.

NEW SECTION

WAC 392-140-317 1989-91 CERTIFICATED INSTRUCTIONAL STAFF ENHANCEMENT MONEYS—DEFINITION—REDUCTION FULL—TIME EQUIVALENT. As used in WAC 392-140-300 through 392-140-335, "reduction full-time equivalent" means the decrease in full-time equivalent for a basic education certificated instructional employee who is no longer employed or whose certificated instructional full-time equivalent is changed after October 1 of the current school year calculated as follows:

- (1) Determine the basic education certificated instructional full-time equivalent that would have been reported for the employee on SPI Form S-275 if the employee had served the full academic year at the level of service after the contract change;
- (2) Subtract the basic education certificated instructional full-time equivalent as of October 1 as reported for the employee on SPI Form S-275 from the result obtained in subsection (1) of this section;
- (3) Multiply the result obtained in subsection (2) of this section by the number of months remaining in the academic year, including the month the change occurred; and
- (4) Divide the result obtained in subsection (3) of this section by nine.

NEW SECTION

WAC 392-140-318 1989-91 CERTIFICATED INSTRUCTIONAL STAFF ENHANCEMENT MONEYS—DEFINITION—REASSIGNMENT FULL-TIME EQUIVALENT. As used in WAC 392-140-300 through 392-140-335, "reassignment full-time equivalent" means the change in full-time equivalent for a basic education certificated instructional employee after October 1 whose certificated instructional full-time equivalent does not change calculated as follows:

- (1) Determine the basic education certificated instructional full-time equivalent that would have been reported for the employee on SPI Form S-275 if the employee had served the full academic year at the level of service after the assignment change;
- (2) Subtract the basic education certificated instructional full-time equivalent as of October 1 as reported on SPI Form S-275 from the result obtained in subsection (1) of this section;
- (3) Multiply the result obtained in subsection (1) of this section by the number of months remaining in the academic year, including the month the reassignment is in effect; and
- (4) Divide the result obtained in subsection (2) of this section by nine.

NEW SECTION

WAC 392-140-319 1989-91 CERTIFICATED INSTRUCTIONAL STAFF ENHANCEMENT MONEYS—DEFINITION—SUPPLEMENTAL FULL-TIME EQUIVALENT STAFF. As used in

WAC 392-140-300 through 392-140-335, "supplemental full-time equivalent staff" means the sum of a school district's addition, reduction, or reassignment full-time equivalents for basic education certificated instructional employees.

NEW SECTION

WAC 392-140-320 1989-91 CERTIFICATED INSTRUCTIONAL STAFF ENHANCEMENT MONEYS—DEFINITION—SUPPLEMENTAL FULL-TIME EQUIVALENT KINDERGARTEN THROUGH THIRD GRADE STAFF. As used in WAC 392-140-300 through 392-140-335, "supplemental full-time equivalent kindergarten through third grade staff" means the sum of a school district's addition, reduction, and reassignment full-time equivalents for kindergarten through third grade basic education certificated instructional staff.

NEW SECTION

WAC 392-140-321 1989-91 CERTIFICATED INSTRUCTIONAL STAFF ENHANCEMENT MONEYS—DEFINITION—KINDERGARTEN THROUGH THIRD GRADE STAFFING RATIO. As used in WAC 392-140-300 through 392-140-335, "kindergarten through third grade staffing ratio" means the ratio calculated as follows:

- (1) Add the full-time equivalent kindergarten through third grade basic education certificated instructional staff as reported on SPI Form S-275 and any supplemental full-time equivalent kindergarten through third grade staff;
- (2) Divide the result obtained in subsection (1) of this section by the full-time equivalent kindergarten through third grade basic education enrollment; and
- (3) Multiply the result obtained in subsection (2) of this section by 1000.

NEW SECTION

WAC 392-140-322 1989-91 CERTIFICATED INSTRUCTIONAL STAFF ENHANCEMENT MONEYS—DEFINITION—KINDERGARTEN THROUGH TWELFTH GRADE STAFFING RATIO. As used in WAC 392-140-300 through 392-140-335, "kindergarten through twelfth grade staffing ratio" means the ratio calculated as follows:

- (1) Add the full-time equivalent basic education certificated instructional staff as reported on SPI Form S-275 and any supplemental full-time equivalent staff;
- (2) Divide the result obtained in subsection (1) of this section by the full-time equivalent basic education enrollment for the school year; and
- (3) Multiply the result obtained in subsection (2) of this section by 1000.

NEW SECTION

WAC 392-140-323 1989-91 CERTIFICATED INSTRUCTIONAL STAFF ENHANCEMENT MONEYS—DEFINITION—SPI FORM 1157. As used in WAC 392-140-300 through 392-140-335, "SPI

Form 1157" means the form prepared by the superintendent of public instruction on which school districts report 1988-89 staffing data.

NEW SECTION

WAC 392-140-324 1989-91 CERTIFICATED INSTRUCTIONAL STAFF ENHANCEMENT MONEYS—DEFINITION—SPI FORM 1158. As used in WAC 392-140-300 through 392-140-335, "SPI Form 1158" means the form prepared by the superintendent of public instruction on which school districts report supplemental full-time equivalent staff and/or supplemental kindergarten through third grade full-time equivalent staff for the current school year.

NEW SECTION

WAC 392-140-325 1989-91 CERTIFICATED INSTRUCTIONAL STAFF ENHANCEMENT MONEYS—DEFINITION—SPI FORM 1159. As used in WAC 392-140-300 through 392-140-335, "SPI Form 1159" means the form prepared by the superintendent of public instruction displaying the calculations of kindergarten through third grade staffing and apportionment ratios and other information as necessary.

NEW SECTION

WAC 392-140-326 1989-91 CERTIFICATED INSTRUCTIONAL STAFF ENHANCEMENT MONEYS—DEFINITION—SPI FORM 1160. As used in WAC 392-140-300 through 392-140-335, "SPI Form 1160" means the form prepared by the superintendent of public instruction on which a school district indicates the enrollment the superintendent of public instruction shall use to calculate staffing ratios.

NEW SECTION

WAC 392-140-327 1989-91 CERTIFICATED INSTRUCTIONAL STAFF ENHANCEMENT MONEYS—GENERAL PROVISIONS. The following general provisions apply to WAC 392-140-300 through 392-140-335:

- (1) All calculations made by the superintendent of public instruction shall use the most current school district information for the school year on file with the superintendent of public instruction at the time of the calculation.
- (2) Full-time equivalent staff shall be rounded to the nearest three decimal places.
- (3) Full-time equivalent enrollment shall be rounded to the nearest two decimal places.
- (4) Ratios of full-time equivalent staff to students shall be expressed as a ratio of staff to one thousand students and shall be rounded to two decimal places (e.g., 51.21/1000).
- (5) School districts shall have available upon request by the superintendent of public instruction and for audit purposes, such documentation as necessary to support all data reported to the superintendent of public instruction pursuant to WAC 392-140-300 through 392-140-335.

WAC 392-140-328 1989-91 CERTIFICATED INSTRUCTIONAL STAFF ENHANCEMENT MONEYS—SCHOOL DISTRICT REPORTING—REQUIRED REPORTS. School districts are required to report to the superintendent as follows:

- (1) On or before the Wednesday prior to Thanksgiving of each school year, each school district shall submit to the superintendent of public instruction on SPI Form S-275 the school district's full-time equivalent kindergarten through third grade basic education certificated instructional staff for the current school year.
- (2) Any school district that has not previously submitted SPI Form 1157 and that receives SPI Form 1159 showing a school district kindergarten through third grade staffing ratio of fifty—one per thousand or greater shall, within thirty days of receiving SPI Form 1159, submit SPI Form 1157:
- (a) Certifying that the school district's 1988-89 kindergarten through third grade staffing ratio was or was not fifty-one per thousand or greater; and
- (b) If the 1988-89 kindergarten through third grade staffing ratio was fifty-one per thousand or greater, the school district's 1988-89 kindergarten through twelfth grade staffing ratio.

NEW SECTION

WAC 392-140-329 1989-91 CERTIFICATED INSTRUCTIONAL STAFF ENHANCEMENT MONEYS—SCHOOL DISTRICT REPORTING—OPTIONAL REPORT—STAFF CHANGES. School districts may report to the superintendent of public instruction prior to September 30 of the following school year supplemental full-time equivalent staff and/or supplemental full-time equivalent kindergarten through third grade staff for the current school year on SPI Form 1158.

NEW SECTION

WAC 392-140-330 1989-91 CERTIFICATED INSTRUCTIONAL STAFF ENHANCEMENT MONEYS—SCHOOL DISTRICT REPORTING—OPTIONAL REPORT—ENROLLMENT CHANGES. School districts may request that the superintendent of public instruction use a different enrollment to compute staffing ratios than that reported for October 1 prior to September 30 of the following school year on SPI Form 1160. The school district may select either one of the following:

- (1) The enrollments for any one month during the current school year; or
- (2) The annual average enrollments for the current school year.

NEW SECTION

WAC 392-140-331 1989-91 CERTIFICATED INSTRUCTIONAL STAFF ENHANCEMENT MONEYS—INITIAL REPORT BY THE SUPERINTENDENT OF PUBLIC INSTRUCTION. Prior to January 31 of each school year the superintendent of

public instruction shall report to each school district the school district's kindergarten through third grade staffing ratio for the current school year on SPI Form 1159. The report shall include any supplemental data submitted by the school district to the superintendent of public instruction prior to January 1 of the current school year.

NEW SECTION

WAC 392-140-332 1989-91 CERTIFICATED INSTRUCTIONAL STAFF ENHANCEMENT MONEYS—INTERIM REPORT BY THE SUPER-INTENDENT OF PUBLIC INSTRUCTION. Within thirty days of receiving data on supplemental full-time equivalent from a school district on SPI Form 1157 SPI Form 1158, the superintendent of public instruction shall report to the school district the school district's kindergarten through third grade staffing and apportionment ratios for the current school year on SPI Form 1159.

NEW SECTION

WAC 392-140-333 1989-91 CERTIFICATED INSTRUCTIONAL STAFF ENHANCEMENT MONEYS—FINAL REPORT BY THE SUPERINTENDENT OF PUBLIC INSTRUCTION. Prior to January 1 of the following school year, the superintendent of public instruction shall report to each school district the final kindergarten through third grade staffing and apportionment ratios calculated for the school district for the current school year. Calculations shall include supplemental data for the current school year submitted by the school district prior to September 30 of the following school year.

NEW SECTION

WAC 392-140-334 1989-91 CERTIFICATED INSTRUCTIONAL STAFF ENHANCEMENT MONEYS—KINDERGARTEN THROUGH THIRD GRADE APPORTIONMENT RATIOS A SCHOOL DISTRICT WITH A 1988-89 KINDERGARTEN THROUGH THIRD GRADE STAFFING RATIO LESS THAN FIFTY-ONE PER THOUSAND. For those school districts with a 1988-89 kindergarten through third grade staffing ratio less than fifty-one per thousand, the superintendent of public instruction shall determine the kindergarten through third grade apportionment ratios as follows:

- (1) If a school district's kindergarten through third grade staffing ratio is less than fifty—one per thousand in the current school year, the kindergarten through third grade apportionment ratio equals the greater of:
- (a) The school district's kindergarten through third grade staffing ratio for the current school year; or
 - (b) Forty-nine per thousand.
- (2) If a school district's kindergarten through third grade staffing ratio is fifty—one per thousand or greater in the current school year the kindergarten through third grade apportionment ratio equals fifty—one per thousand.

WAC 392-140-335 1989-91 CERTIFICATED INSTRUCTIONAL STAFF ENHANCEMENT MONEYS-KINDERGARTEN THROUGH THIRD GRADE APPORTIONMENT RATIOS FOR A SCHOOL DISTRICT WITH A 1988-89 KINDER-GARTEN THROUGH THIRD GRADE STAFFING RATIO EOUAL TO OR GREATER THAN FIFTY-ONE PER THOUSAND. For those school districts with a 1988-89 kindergarten through third grade staffing ratio equal to or greater than fifty-one per thousand, the superintendent of public instruction shall determine the certificated instructional ratios or units used for apportionment purposes as follows:

- (1) If a school district's kindergarten through third grade staffing ratio is less than fifty—one per thousand in the current school year, the kindergarten through third grade apportionment ratio equals the greater of:
- (a) The school district's kindergarten through third grade staffing ratio for the current school year; or
 - (b) Forty-nine per thousand.
- (2) If a school district's kindergarten through third grade staffing ratio is equal to or greater than fifty—one per thousand in the current school year:
- (a) The kindergarten through third grade apportionment ratio equals fifty—one per thousand; and
- (b) If the school district does not use all of the kindergarten through third grade enhancement moneys to improve its kindergarten though twelfth grade staffing ratio, the number of certificated instructional units reflected in the apportionment payments to the school district will be reduced as follows:
- (i) Multiply the current school year full-time equivalent basic education enrollment by the 1988-89 kindergarten through twelfth grade staffing ratio and divide by 1000;
- (ii) Divide the current school year full-time equivalent kindergarten through third grade basic education enrollment including handicapped enrollment by one thousand:
- (iii) Multiply the result obtained in (b)(ii) of this subsection by three;
- (iv) Divide the current school year full-time equivalent kindergarten through third grade basic education enrollment by one thousand;
- (v) Multiply the result obtained in (b)(iv) of this subsection by five;
- (vi) Subtract the result obtained in (b)(iii) of this subsection from the result obtained in (b)(v) of this subsection;
- (vii) Add the results obtained in (b)(i) and (vi) of this subsection;
- (viii) Subtract the full-time equivalent basic education certificated instructional staff for the current school year as reported by school districts on SPI Form S-275 and any supplemental full-time equivalent staff as reported on SPI Form 1158 for the current school year from the result obtained in (b)(vii) of this subsection;

- (ix) If the result obtained in (b)(viii) of this subsection is greater than zero, the reduction of certificated instructional staff units used for apportionment purposes equals the lesser of:
- (A) The result obtained in (b)(vi) of this subsection; or
 - (B) The result obtained in (b)(viii) of this subsection.

WSR 90-01-143 PERMANENT RULES SUPERINTENDENT OF PUBLIC INSTRUCTION

[Order 24—Filed December 20, 1989, 4:33 p.m.]

Date of Adoption: November 22, 1989.

Purpose: Implements section 502 (8)(b), chapter 19, Laws of 1989 1st ex. sess., the Omnibus Appropriations Act.

Citation of Existing Rules Affected by this Order: Amending [new sections] WAC 392-140-175 through 392-140-186.

Statutory Authority for Adoption: RCW 28A.41.170(1).

Pursuant to notice filed as WSR 89-21-099 on October 18, 1989.

Effective Date of Rule: Thirty-one days after filing.

December 20, 1989 Judith A. Billings Superintendent of Public Instruction

NEW SECTION

WAC 392-140-175 1989-91 VOCATIONAL EQUIPMENT ALLOCATION—APPLICABLE PROVISIONS. The provisions of WAC 392-140-175 through 392-140-186 implement section 502 (8)(b), chapter 19, Laws of 1989 1st ex. sess. (the Omnibus Appropriations Act). This section provides moneys for the purchase of new and replacement equipment for use in vocational secondary and vocational skills center programs approved by the superintendent of public instruction.

NEW SECTION

WAC 392-140-176 1989-91 VOCATIONAL EQUIPMENT ALLOCATION—DEFINITION—ANNUAL AVERAGE FULL-TIME EQUIVALENT STUDENTS. As used in WAC 392-140-175 through 392-140-186, the term "annual average full-time equivalent students" means the same as that defined in WAC 392-121-133.

NEW SECTION

WAC 392-140-177 1989-91 VOCATIONAL EQUIPMENT ALLOCATION—DEFINITION—VOCATIONAL ANNUAL AVERAGE FULL-TIME EQUIVALENT STUDENTS. As used in WAC 392-140-175 through 392-140-186, the term "vocational annual average full-time equivalent students" means the

annual average full-time equivalent students in vocational secondary and vocational skills center programs approved by the superintendent of public instruction including those students reported pursuant to WAC 392-121-136.

NEW SECTION

WAC 392-140-178 1989-91 VOCATIONAL EQUIPMENT ALLOCATION—DEFINITION—SCHOOL YEAR. As used in WAC 392-140-175 through 392-140-186, the term "school year" means the same as that defined in WAC 392-121-031.

NEW SECTION

WAC 392-140-179 1989-91 VOCATIONAL EQUIPMENT ALLOCATION—DEFINITION—ELIGIBLE SCHOOL DISTRICT. As used in WAC 392-140-175 through 392-140-186, the term "eligible school district" means any school district operating either or both:

- (1) A vocational secondary program approved pursuant to WAC 180-58-090; and
- (2) A multidistrict cooperative vocational program approved pursuant to WAC 180-58-075 and 180-58-090.

NEW SECTION

WAC 392-140-180 1989-91 VOCATIONAL EQUIPMENT ALLOCATION—DEFINITION—FORM SPI 1154. As used in WAC 392-140-175 through 392-140-186, the term "Form SPI 1154" means the form prepared by the superintendent of public instruction and completed by each eligible school district separately for vocational secondary and vocational skills center programs showing the type, number, vocational program, average price, and total cost of equipment purchased with moneys allocated pursuant to the applicable provisions.

NEW SECTION

WAC 392-140-181 1989-91 VOCATIONAL EQUIPMENT ALLOCATION—LIMITATIONS AND CONDITIONS. The expenditure of moneys allocated pursuant to WAC 392-140-175 through 392-140-186 by each eligible school district is subject to the following conditions and limitations:

- (1) The moneys shall be used solely for the cost of the purchase of equipment, shipping cost, and sales tax;
- (2) The purchased equipment will be used solely for educational purposes in vocational secondary or vocational skills center programs approved by the superintendent of public instruction;
- (3) Moneys allocated based on vocational annual average full-time equivalent students in a vocational skills center shall be expended for the purposes of purchasing equipment for the vocational skills center; and
- (4) The preparation and submittal of a final report on Form SPI 1154.

NEW SECTION

WAC 392-140-182 1989-91 VOCATIONAL EQUIPMENT ALLOCATION—APPORTIONMENT OF FUNDS. The superintendent of public instruction shall apportion moneys to each eligible school district in a like manner as that provided in WAC 392-121-400 based on vocational annual average full-time equivalent students. The final allocation will be determined using the 1989-90 school year vocational annual average full-time equivalent students. Apportionment forms provided to school districts by the superintendent of public instruction shall show the following information separately for vocational secondary and vocational skills center programs:

- (1) Vocational annual average full-time equivalent students used for the allocation;
- (2) The rate per vocational annual average full-time equivalent students used for the allocation;
 - (3) Any necessary proration percentage; and
 - (4) Total allocation.

NEW SECTION

WAC 392-140-183 1989-91 VOCATIONAL EQUIPMENT ALLOCATION—REPORTING OF 1989-90 VOCATIONAL ANNUAL AVERAGE FULL-TIME EQUIVALENT STUDENTS. Each eligible school district shall report the vocational annual average full-time equivalent students for the 1989-90 school year by September 1, 1990, in such form or manner as required by the superintendent of public instruction.

NEW SECTION

WAC 392-140-184 1989-91 VOCATIONAL EQUIPMENT ALLOCATION—FINAL ALLOCATION. The superintendent of public instruction shall provide each eligible school district by October 31, 1990, with a revised report indicating the final allocation of moneys.

NEW SECTION

WAC 392-140-185 1989-91 VOCATIONAL EQUIPMENT ALLOCATION—FINAL REPORTING OF EXPENDITURES BY ELIGIBLE SCHOOL DISTRICTS. Each eligible school district shall submit a separate Form SPI 1154 for vocational secondary and vocational skills center programs by April 30, 1991.

NEW SECTION

WAC 392-140-186 1989-91 VOCATIONAL EQUIPMENT ALLOCATION—RECOVERY OF UNSPENT FUNDS. The superintendent of public instruction shall separately compare for each eligible school district the actual expenditures reported pursuant to WAC 392-140-185 to the final allocations made pursuant to WAC 392-140-184 for vocational secondary and skills center programs. If the moneys allocated exceeds the reported expenditures, the difference shall be recovered from the school district no later than the June 1991 apportionment payment.

WSR 90-01-144 EMERGENCY RULES

SUPERINTENDENT OF PUBLIC INSTRUCTION

[Order 19—Filed December 20, 1989, 4:34 p.m.]

Date of Adoption: October 10, 1989.

Purpose: To amend chapter 392-142 WAC for the allocation of state payments to school districts for the replacement of school buses.

Citation of Existing Rules Affected by this Order: Amending chapter 392–142 WAC.

Statutory Authority for Adoption: RCW 28A.41.170.

Other Authority: RCW 28A.41.540.

Pursuant to RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: The purpose of this emergency rule adoption is to incorporate changes to the process determining state support for replacement of school buses applying to the current school year. The changes are a result of an annual review of the replacement of school bus process required by statute.

Effective Date of Rule: Immediately.

December 20, 1989 Judith A. Billings Superintendent of Public Instruction

AMENDATORY SECTION (Amending Order 83–16, filed 10/26/83)

WAC 392-142-005 AUTHORITY. The authority for this chapter is RCW 28A.41.170 which authorizes the superintendent of public instruction to adopt rules and regulations for the proper administration of chapter 28A.41 RCW, which includes ((student transportation programs)) state depreciation and replacement payments for school buses as specified in RCW 28A.41.540.

AMENDATORY SECTION (Amending Order 83-16, filed 10/26/83)

WAC 392-142-010 PURPOSE. The purpose of this chapter is to implement RCW 28A.41.540 by ((establishing)) developing:

(1) ((Procedures to develop)) Student transportation vehicle categories;

- (2) ((Procedures to develop)) State-determined purchase prices for student transportation vehicle categories;
- (3) Standards for operation and maintenance of school buses;
- (4) A replacement schedule (referred to in the statute as reimbursement schedule) and allocation process for district-owned school buses;
- (5) A depreciation schedule and allocation process for school buses contracted from private carriers; and

(6) Provisions for the continuation of depreciation allocations to school districts for school buses purchased prior to September 1, 1982.

NEW SECTION

WAC 392-142-075 DEFINITION—SCHOOL YEAR. As used in this chapter, "school year" means the same as defined in WAC 392-121-031.

NEW SECTION

WAC 392-142-080 DEFINITION—CURRENT SCHOOL YEAR. As used in this chapter, "current school year" means the school year for which the payments to school district calculated pursuant to this chapter are made.

NEW SECTION

WAC 392-142-085 DEFINITION—PRIOR SCHOOL YEAR. As used in this chapter, "prior school year" means the school year immediately preceding the current school year.

NEW SECTION

WAC 392-142-090 DEFINITION—WASHINGTON STATE PATROL INSPECTION OFFICER. As used in this chapter, "Washington state patrol inspection officer" means an employee of the Washington state patrol trained and designated by the chief of the Washington state patrol to inspect school buses.

NEW SECTION

WAC 392-142-095 DEFINITION—STATE SUP-PORTED SPECIFICATIONS. As used in this chapter, "state supported specifications," means the specifications developed pursuant to chapter 392-143 WAC (Transportation—Specifications for school buses) plus added equipment, components, or requirements judged by the advisory committee formed pursuant to RCW 28A.41.540 to produce minimum long-range operating costs and to accommodate transportation of students with handicapping conditions.

NEW SECTION

WAC 392-142-100 DEFINITION—SCHOOL BUS. As used in this chapter, "school bus" means a vehicle:

- (1) With a seating capacity of more than ten persons including the driver,
- (2) Used for transportation of students to and from school or in connection with school activities; and
- (3) That meets the requirement set forth in chapter 392-143 WAC (Transportation—Specifications for school buses).

NEW SECTION

WAC 392-142-105 DEFINITION—DISTRICT—OWNED SCHOOL BUS. As used in this chapter, "district-owned school bus" means a school bus which

has been purchased by the district or a school bus which is being operated by a district under a contractual obligation by the same district to purchase the bus.

NEW SECTION

WAC 392-142-110 DEFINITION—CONTRACTOR—OWNED SCHOOL BUS. As used in this chapter, "contractor—owned school bus" means a school bus owned by a private party and used pursuant to a contract for transportation of students at the direction of a school district.

NEW SECTION

WAC 392-142-115 DEFINITION—SPECIAL HANDICAPPED EQUIPMENT. As used in this chapter, "special handicapped equipment" means at least wheelchair lifts and may include passenger tiedowns, or passenger restraints designed for the purpose of transporting students with handicapping conditions.

NEW SECTION

WAC 392-142-120 DEFINITION—SEATING REFERENCE POINT. As used in this chapter, "seating reference point" means the point of intersection of horizontal and vertical axis measured as follows:

- (1) The horizontal distance is 5.0 to 5.4 inches from the front surface of the seat back, and
- (2) The vertical distance is 2.5 inches above the top of the seat cushion.

NEW SECTION

WAC 392-142-125 DEFINITION—STUDENT CAPACITY. As used in this chapter, "student capacity" means the maximum allowable number of students that can be seated on a school bus using twenty—one inch seat spacing from the seating reference point.

NEW SECTION

WAC 392-142-130 DEFINITION—GASOLINE ENGINE. As used in this chapter, "gasoline engine" means a spark-ignited engine using gasoline, propane, compressed natural gas, gasahol, alcohol, or a combination thereof.

NEW SECTION

WAC 392-142-135 DEFINITION—DIESEL ENGINE. As used in this chapter, "diesel engine" means a compression ignited engine using diesel fuel.

NEW SECTION

WAC 392-142-140 DEFINITION—TRANS-MISSION. As used in this chapter, "transmission" means either a clutch actuated, hand shifted manual or a torque converter actuated automatic gear box.

NEW SECTION

WAC 392-142-145 DEFINITION—USEFUL LIFE. As used in this chapter, "useful life" means the

number of years that a school bus is expected to be in use.

NEW SECTION

WAC 392-142-150 DEFINITION—SCHOOL BUS CATEGORIES FOR THOSE BUSES PURCHASED BEFORE SEPTEMBER 1, 1982, AND AFTER SEPTEMBER 1, 1975. As used in this chapter, "school bus categories for those buses purchased before September 1, 1982, and after September 1, 1975," means the following:

	Student Capacity	Minimum Annual Mileage	Depreciation Percentage	Maximum Useful Mileage
(1)	10 to 22	18,750	25.00%	75,000
(2)	23 to 51	15,625	12.50%	125,000
(3)	52 to 69	15,000	10.00%	150,000
(4)	70 and up	12,500	6.25%	200,000

NEW SECTION

WAC 392-142-155 DEFINITION—SCHOOL BUS CATEGORIES FOR THOSE BUSES PUR-CHASED AFTER SEPTEMBER 1, 1982. As used in this chapter, "school bus categories for those buses purchased after September 1, 1982," means the following:

	Student	Fuel	Transmission	Useful
	Capacity	Type	Туре	Life
(1)	10 to 22	Gas	Manual	8
(2)	10 to 22	Gas	Automatic	8
(3)	10 to 22	Diesel	Manual	8
(4)	10 to 22	Diesel	Automatic	8 8
(5)	23 to 34	Gas	Manual	8
(6)	23 to 34	Gas	Automatic	8 8
(7)	23 to 34	Diesel	Manual	8
(8)	23 to 34	Diesel	Automatic	8
(9)	35 to 48	Gas	Manual	10
(10)	35 to 48	Gas	Automatic	10
(11)	35 to 48	Diesel	Manual	15
(12)	35 to 48	Diesel	Automatic	15
(13)	48 to 60	Gas	Manual	10
(14)	48 to 60	Gas	Automatic	10
(15)	48 to 60	Diesel	Manual	15
(16)	48 to 60	Diesel	Automatic	15
(17)	61 to 72	Gas	Manual	10
(18)	61 to 72	Gas	Automatic	10
(19)	61 to 72	Diesel	Manual	15
(20)	61 to 72	Diesel	Automatic	15
(21)	78 to 84	Diesel	Manual	20
(22)	78 to 84	Diesel	Automatic	20
(23)	85 to 90	Diesel	Мапиаі	20
(24)	85 to 90	Diesel	Automatic	20

NEW SECTION

WAC 392-142-160 DEFINITION—VENDOR BID PROPOSAL. As used in this chapter, "vendor bid proposal" means a set of forms published annually by the superintendent of public instruction which school districts use to obtain bids for school buses. These forms shall include various bid elements such as type, capacity, engine and transmission.

NEW SECTION

WAC 392-142-165 DEFINITION—STATE-DETERMINED PURCHASE PRICE. As used in this chapter, "state-determined purchase price" means the arithmetic average of the actual bid prices for the preceding twelve months improved by the inflation rate, documented in vendor bid proposals for that portion of the actual bid price associated with meeting state—supported specifications for a school bus category for those buses purchased after September 1, 1982. Included in the actual bid prices for the purposes of this calculation are:

- (1) Sales taxes;
- (2) Freight to the school district;
- (3) Cost associated with full payment within thirty days of delivery.

Not included in the actual bid prices are any costs associated with district specified requirements in excess of those state specifications provided in WAC 392-143-015.

NEW SECTION

WAC 392-142-170 DEFINITION—STATE-DETERMINED HANDICAPPED EQUIPMENT PRICE. As used in this chapter, the term "state-determined handicapped equipment price" is that amount determined annually by the superintendent of public instruction representing the cost of special handicapped equipment permanently affixed to a school bus.

NEW SECTION

WAC 392-142-175 DEFINITION—INFLATION RATE. As used in this chapter, "inflation rate" means the actual change stated in percentage terms in the implicit price deflator for motor vehicles and parts as provided by the office of financial management from the previous state fiscal year to the current state fiscal year.

NEW SECTION

WAC 392-142-180 DEFINITION—TOTAL SCHOOL BUS DEPRECIATION PAYMENTS. As used in this chapter, "total school bus depreciation payments" means the sum of all state school bus deprecation payments for prior school years made for an individual school bus.

NEW SECTION

WAC 392-142-185 DEFINITION—IMPUTED INTEREST EARNINGS. As used in this chapter, "imputed interest earnings" means the sum of interest which is assumed to be earned on moneys assumed to be available in the vehicle transportation fund from state payments and imputed interest earnings. The rate used shall be the average of the treasury bill rate for ninety-day notes during the previous state fiscal year calculated on the basis of simple interest.

NEW SECTION

WAC 392-142-190 DEFINITION—SALVAGE VALUE. As used in this chapter, "salvage value" means the state-determined school bus price for the year the school bus was placed on the state depreciation schedule divided by the useful life and multiplied by twenty-five percent.

NEW SECTION

WAC 392-142-195 DEFINITION—SPI FORM 1020. As used in this chapter, "SPI Form 1020" means that form prepared and distributed by the superintendent of public instruction and used by school districts to notify the superintendent of public instruction of the acquisition of a school bus or that the school bus has been taken out of service.

NEW SECTION

WAC 392-142-200 DEFINITION—SPI FORM 1029. As used in this chapter, "SPI Form 1029" means that form prepared and distributed by the superintendent of public instruction upon which the inspecting officer indicates that the school bus has been inspected and approved upon initial purchase.

NEW SECTION

WAC 392-142-205 DETERMINATION OF SCHOOL BUS CATEGORIES BY THE SUPERINTENDENT OF PUBLIC INSTRUCTION. The superintendent of public instruction shall annually develop school bus categories including, but not limited to, such variables as student capacity, fuel, engine, transmission, body, chassis, special equipment, and useful vehicle life. The superintendent of public instruction shall follow this schedule:

- (1) By May 1st of the prior school year, develop school bus categories applicable to the current school year,
- (2) By June 15th of the prior school year, notify school districts of any changes from the current school bus categories; and
- (3) By October 15th of the current school year, finalize school bus categories applicable to the current school year.

NEW SECTION

WAC 392-142-210 STATE-DETERMINED PRICES BY THE SUPERINTENDENT OF PUBLIC INSTRUCTION. The superintendent of public instruction shall annually develop state-determined prices for each school bus category applicable to the current school year. The superintendent of public instruction shall follow this schedule:

- (1) By June 15th of the prior school year, develop and notify school districts of the estimated state-determined price; and
- (2) By October 15th of the current school year, finalize the state-determined prices for each school bus category and notify school districts of any changes from those prices estimated on June 15th.

NEW SECTION

WAC 392-142-215 SCHOOL BUS INSPECTION. All school buses must be inspected and approved by a Washington state patrol inspection officer at the time of purchase. This inspection must be recorded by the inspecting officer on SPI Form 1029 and forwarded

to the superintendent of the operating or contracting school district.

NEW SECTION

WAC 392-142-220 SCHOOL BUS OPERATION PERMIT. The superintendent of public instruction shall issue a school bus operation permit upon:

- (1) The recommendation of approval by the responsible regional transportation coordinator, and
- (2) The proper completion and processing of the following documentation:
- (a) The original of SPI Form 1020 signed by an authorized school district representative;
- (b) One copy of the sellers invoice signed by an authorized dealer representative;
- (c) One copy of the successful bid document signed by an authorized dealer representative;
 - (d) One copy of either or both of the following:
 - (i) The warrant(s) issued to purchase the bus;
- (ii) The conditional sales contract signed by both an authorized school district and dealer representative;
 - (e) The original weight slip for the vehicle; and
 - (f) The original school bus inspection report.

NEW SECTION

WAC 392-142-225 PLACEMENT OF USED SCHOOL BUSES ON STATE DEPRECIATION SCHEDULES. Used school buses shall be placed on the state depreciation schedule in effect at the time of the school bus' manufacture as follows:

- (1) For those used school buses manufactured after September 1, 1982, state depreciation payments shall be calculated as if it had been purchased in the year of manufacture, including an estimate by the superintendent of public instruction of:
- (a) Prior school years total state depreciation payments;
 - (b) Imputed interest earnings; and
 - (c) Salvage value.
- (2) For those used school buses purchased by a school district that were manufactured prior to September 1, 1982, they will be placed on the depreciation schedule with the following eligible purchase price:
- (a) A school bus owned by one school district is purchased by another school district. Such a bus shall be placed on the purchasing district's depreciation schedule at its original appreciated price schedule or at the purchase price paid for the used bus, whichever is less.
- (b) A school bus purchased from a private party by a school district. Such a bus shall be placed on the purchasing school district's depreciation schedule at the purchase price paid for the used bus or the depreciable value, whichever is less.

The superintendent of public instruction shall establish that the purchase price of the school bus appropriately reflects its depreciable value.

NEW SECTION

WAC 392-142-230 CALCULATION OF ANNU-AL STATE DEPRECIATION PAYMENT FOR BUSES PURCHASED AFTER SEPTEMBER 1, 1975,

- AND BEFORE SEPTEMBER 1, 1982. The superintendent of public instruction shall calculate each school district's annual state depreciation payment for school buses purchased after September 1, 1975, and before September 1, 1982, as follows:
- (1) Place each district-owned school bus in the appropriate school bus category set forth in WAC 392-142-150
 - (2) Multiply the purchase price for that school bus by:
- (a) Ninety percent for school buses purchased after September 1, 1975, and before September 1, 1980, or
- (b) One hundred percent for school buses purchased after September 1, 1980, and before September 1, 1982;
- (3) Multiply the result obtained in subsection (2) of this section by the lessor of:
- (a) The depreciation percentage for that school bus category determined in subsection (1) of this section if the actual annual mileage for the bus is less than the minimum annual mileage; or
- (b) The actual annual mileage divided by the maximum useful mileage for that student capacity category determined in subsection (1) of this section.

NEW SECTION

WAC 392-142-235 ALLOCATION OF STATE DEPRECIATION PAYMENT FOR SCHOOL BUSES PURCHASED AFTER SEPTEMBER 1, 1975, AND BEFORE SEPTEMBER 1, 1982. The superintendent of public instruction shall apportion each school district's annual school bus depreciation payment as calculated in WAC 392-142-230 according to the schedule set forth in RCW 28A.48.010.

NEW SECTION

WAC 392-142-240 CALCULATION OF ANNUAL STATE DEPRECIATION PAYMENT FOR DISTRICT-OWNED SCHOOL BUSES PURCHASED AFTER SEPTEMBER 1, 1982. The superintendent of public instruction shall calculate each school district's annual state depreciation payment for district-owned school buses purchased after September 1, 1982, as follows:

- (1)(a) For district—owned school buses issued a school bus operation permit prior to the fifteenth of the month of the current school year place each school bus in the appropriate school bus category set forth in WAC 392—142-155:
- (b) Add the state-determined price for the appropriate school bus category determined in (a) of this subsection to the state-determined handicapped equipment price if any;
- (c) Divide the result obtained in (b) of this subsection by the useful lifetime determined in (a) of this subsection:
- (d) Multiply the result obtained in (c) of this subsection by the number of months remaining in the school year, and
- (e) Divide the result obtained in (d) of this subsection by twelve.
- (2)(a) For school buses issued a school bus operation permit prior to the current school year place each school

bus in the appropriate school bus category set forth in WAC 392-142-155:

- (b) Add the state-determined price for the appropriate school bus category determined in (a) of this subsection to the state-determined handicapped equipment price if any;
- (c) Divide the result obtained in (b) of this subsection by the useful lifetime determined in (a) of this subsection:
- (d) Multiply the result obtained in (c) of this subsection by the total number of months the school bus has been on the depreciation schedule including the months for the current school year,
- (e) Subtract from the result obtained in (d) of this subsection the total school bus depreciation payments made in prior school years;
- (f) Subtract from the result obtained in (d) of this subsection the imputed interest earnings, and
- (g) Subtract from the result obtained in (f) of this subsection the salvage value of the school bus if the current school year is the final year of the vehicle's useful life.

NEW SECTION

WAC 392-142-245 CALCULATION OF ANNUAL STATE DEPRECIATION PAYMENT FOR CONTRACTOR-OWNED SCHOOL BUSES PURCHASED AFTER SEPTEMBER 1, 1982. The superintendent of public instruction shall calculate each school district's state depreciation payment for contractor-owned school buses purchased after September 1, 1982, by:

- (1) For contractor—owned school buses issued a school bus operation permit prior to the fifteenth of the month of the current school year, multiply the state—determined purchase price for the appropriate school bus category by the remaining months of the current school year and divide by twelve and further divide by the useful lifetime for the appropriate school bus category; or
- (2) For contractor—owned school buses issued a school bus operation permit in a prior school year:
- (a) Place each school bus in the appropriate school bus category set forth in WAC 392-142-155; and
- (b) Divide the state-determined purchase price at the time the school bus was purchased by the useful lifetime for the appropriate school bus category set forth in WAC 392-142-155.

NEW SECTION

WAC 392-142-250 ALLOCATION OF STATE DEPRECIATION PAYMENT SUPPORT—SCHOOL BUSES PURCHASED AFTER SEPTEMBER 1, 1982. The superintendent of public instruction shall apportion school bus depreciation payments each school year calculated:

- (1) Pursuant to WAC 392-142-235 in:
- (a) The September apportionment payment for those school buses issued school bus operating permits in prior school years; or

- (b) The first apportionment payment after the issuance of the school bus operating permit for school buses purchased in the current school year,
- (2) Pursuant to WAC 392-142-240 according to the schedule set forth in RCW 28A.48.010.

NEW SECTION

WAC 392-142-255 DEPOSIT OF STATE SUP-PORT IN TRANSPORTATION VEHICLE FUND. School districts shall deposit proceeds for the rent, sale, or lease of school buses and depreciation payments allocated pursuant to WAC 392-142-235 and 392-142-240 in the transportation vehicle fund. School districts shall not deposit school bus depreciation payments allocated pursuant to WAC 392-142-245 in the transportation vehicle fund.

NEW SECTION

WAC 392-142-260 ALLOWABLE USES OF TRANSPORTATION VEHICLE FUND. School districts shall use moneys in the transportation vehicle fund for the following purposes:

- (1) The purchase of approved transportation vehicles;
- (2) Performing major repairs receiving prior approval by the superintendent of public instruction.

NEW SECTION

WAC 392-142-265 MAINTENANCE AND OP-ERATION. (1) To the extent possible, school districts shall operate vehicles not less than the number of years of useful lifetime now, or hereafter, assigned to the category of vehicles by the superintendent of public instruction.

- (2) A school bus that continues to possess a valid operation permit and operates its useful vehicle life shall be considered to be properly maintained in accordance with general accepted maintenance and operation standards. A school bus which does not operate its useful vehicle life shall be considered as not being properly maintained in accordance with generally accepted maintenance and operation standards unless proven otherwise by the school district prima facie evidence of such proof shall include required changes in the category of bus, or unforeseen natural events which shorten the useful vehicle life, including but not limited to, fire, flood, explosion, storm, earthquake, or volcanic eruption. Generally accepted maintenance and operation standards are outlined in the School Bus Maintenance Guide published by the superintendent of public instruction.
- (3) If a district fails to follow generally accepted standards of maintenance and operation, the superintendent of public instruction shall penalize the school district by deducting from any future allocations or state payments authorized under this chapter an amount equal to the original cost of the vehicle multiplied by the fraction of the useful lifetime the vehicle failed to operate.

WAC 392-142-270 DISPOSITION OF SCHOOL BUSES. Each school district shall notify the superintendent of public instruction whenever a school bus is taken out of service as a school bus on SPI Form 1020 within thirty days of this action.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 392-142-015 DEFINITIONS.

WAC 392-142-020 VEHICLE CATEGORIES.

WAC 392-142-025 **VEHICLE CATEGORY**

USEFUL LIFE.

WAC 392-142-030 STATE-DETERMINED

PURCHASE PRICE.

WAC 392-142-035 MAINTENANCE AND

OPERATION.

WAC 392-142-040 STATE PAYMENT FOR

SCHOOL BUSES.

SCHOOL BUSES PRIOR TO WAC 392-142-045

SEPTEMBER 1, 1982.

SCHOOL BUS.

WAC 392-142-050 DISTRICT-OWNED

WAC 392-142-055 CONTRACTOR-OWNED

SCHOOL BUS.

WAC 392-142-060 SCHOOL BUS

INSPECTION.

WAC 392-142-065 SCHOOL BUS OPERATION

PERMIT.

WAC 392-142-070 VEHICLE TRANSPORTA-

TION FUND.

WSR 90-01-145 PROPOSED RULES PARKS AND RECREATION COMMISSION

[Filed December 20, 1989, 4:37 p.m.]

Original Notice.

Title of Rule: The state boating safety grant and contract program.

Purpose: To establish biennial local boating safety plans and to disburse federal Coast Guard funds to local, state or private organizations to implement the boating safety plans.

Statutory Authority for Adoption: RCW 43.51.040.

Statute Being Implemented: RCW 43.51.400.

Summary: These rules allow reduced matching funds from local governments and allow timely distribution of funds.

Reasons Supporting Proposal: A 50% match for boating safety purchases has discouraged local governments from applying for federal grants.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Jim French, State Parks, 7150 Cleanwater Lane, Olympia, 98504, 586-2166.

Name of Proponent: State Parks, governmental.

Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: The rule change will assist local government to develop their own boating safety program with a federal grant. The lowered match requirement allows local governments to reduce high "start up" costs.

The annual application deadline of September 15 has also been removed to distribute new funds throughout the year to respond to local needs.

Proposal Changes the Following Existing Rules: Housekeeping changes to correct title of boating safety "task force" to "council." Matching contributions are lowered to 25%. Annual application deadline removed.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

Hearing Location: Ramada Inn, Spokane International Airport, Spokane, Washington, (509) 838-5211, on January 26, 1990, at 9:00 a.m.

Submit Written Comments to: Jim French, State Parks, 7150 Cleanwater Lane, Olympia, 98504, by January 23, 1990.

Date of Intended Adoption: January 26, 1990.

December 20, 1989 Nina Carter **Executive Assistant**

AMENDATORY SECTION (Amending Order 87, filed 1/21/85)

WAC 352-64-020 DEFINITIONS. When used in this chapter, the following words and phrases shall have the meanings designated in this section unless a different meaning is expressly provided or unless the context clearly indicates otherwise.

"Commission" means the seven-member Washington state parks and recreation commission policy-making body created pursuant to RCW 43.51.020.

(("Agency")) "State parks" means the operating arm of the Washington state parks and recreation commission, which is responsible for implementation of commission programs established pursuant to statute or policy.

"Director" means the director of the Washington state parks and recreation commission, pursuant to RCW 43.51.060(8)

"Boating safety ((task force)) council" means the volunteer advisory body created by ((the agency)) state parks to advise on matters related to the state boating program, and composed of representatives of Washington's boating community and other concerned interests.

AMENDATORY SECTION (Amending Order 87, filed 1/21/85)

WAC 352-64-030 BOATING SAFETY GRANT AND CON-TRACT PROGRAM. The boating safety grant and contract program is composed of the biennial boating safety plan and the disbursement of boating safety funds.

The biennial boating safety plan will be developed by ((the agency)) state parks in cooperation with local and state agencies to provide comprehensive guidelines for the uniform implementation and operation of boating safety efforts statewide.

Boating safety funds will be disbursed to local and state agencies and private organizations by the commission to initiate or supplement boating safety activities and to promote uniformity in boating safety services in accordance with the Federal Boating Safety Act of 1971. The funds may be used for programs which include planning, development, and operation of programs for boating safety, safety education, and enforcement of boating laws, rules and regulations. Program elements may include: Dissemination of information related to safe boat operation; training of boating safety professionals; purchase of boats and related equipment for boating safety programs; program administration; and, the maintenance of a safe boating environment.

The boating safety grant and contract program will be administered to initiate or enhance programs for boating safety, safety education and enforcement of boating laws, rules and regulations, and will not be used to supplant existing contributions and efforts toward safe boating.

AMENDATORY SECTION (Amending Order 87, filed 1/21/85)

WAC 352-64-040 GRANT ELIGIBILITY. Any state or local public agency or private, nonprofit organization is eligible to apply for grants ((or contracts)) for boating safety or safety education. A state or local public agency having jurisdiction over waters used for recreational boating and possessing the authority to enforce the Revised Code of Washington and the Washington Administrative Code is eligible to apply for grants for programs of enforcement of boating laws, rules, and regulations.

Each successful applicant must provide a minimum of fifty percent match through program expenditures, in kind services, and/or volunteer contributions to the program. The matching requirement may be reduced to not less than twenty-five percent by state parks when necessary to enable the applicant to initiate a program of boating safety, safety education, or enforcement.

AMENDATORY SECTION (Amending Order 87, filed 1/21/85)

WAC 352-64-050 APPLICATION PROCESS. In order to be considered by the commission for receipt of boating safety funds an eligible agency or organization must:

(1) Complete an application on a form prescribed by ((the agency)) state parks and file the application ((by September 15 of the year prior to the year for which funds are being requested, except that for programs to be implemented in 1985, applications must be filed by February 1, 1985)) on or before the filing date set by state parks in the application form.

(2) Provide a statement of intent from the governing body of the requesting agency or organization that the necessary matching funds or in-kind contributions will be made available for the program as described in the application.

(3) Agree to:

(a) File an annual report and other reports, as may be specified in the agreement, on a form provided by ((the agency)) state parks. Include accomplishments, all activities, a summary of in-kind contributions, and total expenses incurred by the program or project.

(b) Refund to the commission any unexpended funds received from the commission which remain at the completion or termination of the agreement and reimburse the commission for any unauthorized expenditures.

AMENDATORY SECTION (Amending Order 87, filed 1/21/85)

WAC 352-64-060 FUNDING GUIDELINES. Following is a list of the funding guidelines which will be considered in determining the allocation of available boating safety funds((, in order of priority)).

(1) Assist programs which are designed to prevent boating accidents through education and/or enforcement of safe boating laws.

(2) Assist in the training of personnel and in the operation of boater assistance and rescue programs.

(3) Assist development of state-wide boater safety information programs.

(4) Assist development of other programs which promote or enhance safe boating opportunities in Washington state.

AMENDATORY SECTION (Amending Order 87, filed 1/21/85)

WAC 352-64-070 PROCEDURES FOR REVIEW AND DISBURSEMENT OF ((FUNDS)) GRANTS. Following is a description of procedures which will be used by the commission in the review and disbursement of boating safety ((funds)) grants.

(1) Applications will be reviewed by ((agency)) state parks staff and scored by the boating safety ((task force)) council to determine consistency with the funding guidelines and the biennial boating safety plan.

- (2) The director will receive and consider the recommendations of the boating safety ((task force)) council for the disbursement of boating safety ((funds)) grants in developing final recommendations for presentation to the commission.
- (3) Applications ((for funds)) will be ((approved)) subject to approval by the commission ((prior to January 31 of the year in which funds are being requested, except for special provisions effecting the 1985 funding year)). No grant expenditures may be made until such approval is received.

(4) The successful applicant will receive funds:

(a) As reimbursement for approved expenditures following receipt of documentation by ((the agency)) state parks which indicates satisfactory compliance with the agreement; or

- (b) Through an advance payment upon ((recommendation of the boating safety task force and)) written approval by the director.
- (5) The applicant and ((the agency)) state parks will execute an agreement which specifies the duties and obligations of each party and requires the applicant's compliance with specified policies and procedures.
- (6) The program will be subject to review at predetermined intervals to insure compliance with program policies and procedures.

AMENDATORY SECTION (Amending Order 87, filed 1/21/85)

WAC 352-64-080 ACCOUNTABILITY. Recipients of boating safety funds shall maintain accurate accounting records on the expenditure of funds, provide the director with these records consistent with the agreement or upon request, and permit ((the agency)) state parks to audit the use of the funds in accordance with generally accepted audit practices and standards.

The commission reserves the right to terminate its participation in any program for failure to perform according to the requirements of the agreement.

WSR 90-01-146 PROPOSED RULES DEPARTMENT OF AGRICULTURE

[Filed December 20, 1989, 4:40 p.m.]

Original Notice.

Title of Rule: Rules concerning prior notification of pesticide applications for individuals hypersensitive to pesticides in chapter 16-228 WAC.

Purpose: To provide added protection of the health of certain citizen hypersensitive to pesticides.

Statutory Authority for Adoption: Chapters 17.21 and 15.58 RCW.

Statute Being Implemented: Chapter 17.21 RCW.

Summary: These rules would provide for prior notification of persons registered with the department as hypersensitive to pesticides of landscape applications performed adjacent to or within thirty feet of their residence.

Reasons Supporting Proposal: The Washington State Department of Agriculture is filing this as an industry proposal to regulate their own industry.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Art G. Losey, Assistant Director, 406 General Administration Building, AX–41, Olympia, Washington, (206) 753-5062.

Name of Proponent: The PCO industry, private.

Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fiscal Matters: This proposal would be enforceable and will have little fiscal impact.

Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: These rules would provide for prior notification of persons registered with the department as hypersensitive to pesticides of landscape applications performed adjacent to or within 30 feet of their residence and would provide protection for these persons from exposure to such pesticides.

Proposal does not change existing rules.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

Hearing Location: January 23, 1990, 10:00 a.m., Landmark Inn, 4300 200th Street S.W., Lynnwood, WA 98036; and on January 24, 1990, 10:00 a.m., Inn at the Park, West 303 North River Drive, Spokane, WA 99201.

Submit Written Comments to: Art G. Losey, Assistant Director, Pesticide Management Division, 406 General Administration Building, AX-41, Olympia, WA 98504, by January 24, 1990.

Date of Intended Adoption: February 23, 1990.

December 20, 1989 Art Losey Assistant Director

NEW SECTION

WAC 16-228-700 PRIOR NOTIFICATION OF PESTICIDE APPLICATIONS FOR INDIVIDUALS HYPERSENSITIVE TO PESTICIDES—PURPOSE—DEFINITIONS. (1) WAC 16-228-705 through 16-228-720 are hereby established in order to provide added protection of the health of certain citizens hypersensitive to pesticides in the urban landscape environment.

(2) The following definitions shall apply to WAC 16-228-705 through 16-228-720:

- (a) "Landscape application" means any application of an EPA registered pesticide to grass, trees or shrubs, or any exterior landscape plants that are found around residences, parks, golf courses and commercial facilities: PROVIDED, That subterranean applications of pesticides are exempt from the provisions of WAC 16-228-705 through 16-228-720.
- (b) "Commercial landscape application" means any person who makes a commercial landscape application of any EPA registered pesticide.
- (c) "Immediate service call" means a landscape application to satisfy a customer request for emergency service or treatment to control an existing pest to a lawn or other landscape plant.

NEW SECTION

WAC 16-228-705 INDIVIDUALS HYPERSENSITIVE TO PESTICIDES—CUSTOMER NOTIFICATION OF APPLICATION AND PESTICIDE. (1) A commercial landscape applicator shall at the request of their customer provide prior notification of the date of a scheduled application to the customer.

(2) A commercial landscape applicator shall at the request of their customer provide the brand name or the common name of the pesticides to be applied and any special instructions on the EPA registered label applicable to the use of the property after application of the pesticides to the customer.

NEW SECTION

WAC 16-228-710 INDIVIDUALS HYPERSENSITIVE TO PESTICIDES—REGISTRATION. (1) Upon request, the department shall register a person with a documented hypersenstivity to pesticides: PROVIDED, That the person submits to the department a valid department of agriculture certificate of pesticide sensitivity indicating the person's pesticide sensitivity. The form shall be completed by a physician who has completed training provided for under RCW 70.104 in the areas of symptoms, diagnosis, and treatment of pesticide related diseases, and who has a valid license issued by the Department of Licensing to practice medicine in Washington State.

(2) An applicant for registration as hypersensitive to pesticides shall provide to the department on the department of agriculture certificate of pesticide sensitivity form the following information:

(a) The name, street address, and telephone number of the applicant;

(b) The name, street address, and telephone number of the property owner or tenant, or both, of each property adjacent to or within thirty feet of the applicant's principle place of residence as specified on the form: (c) The owner or manager of a multi-family residence shall be listed where appropriate.

(3) A person qualifying for registration as hypersensitive to pesticides according to subsection (1) of this section may apply to the department at any time for registration and shall immediately notify the department of any address or telephone number change.

(4) The department shall prepare a register of hypersensitive people to pesticides from the information provided by subsection (2) of this section. If any person on the register resides in a multi-family dwelling such as an apartment or condominium, this information shall be noted on the register.

(5) Individuals placed on the list for hypersensitivity to pesticides shall receive verification from the department that their name has been

placed on the list.

(6) If a change in condition takes place of a person on the register for hypersensitivity to pesticides, and the ailment or sensitivity no longer exists, the person shall notify the department in writing to have their registration removed.

(7) All registrations of persons hypersensitive to pesticides shall expire on December 31 of each year, and any person hypersensitive to pesticides shall re-apply for registration to the department as provided under subsection (1) of this section.

Reviser's note: The spelling error in the above section occurred in the copy filed by the agency and appears in the Register pursuant to the requirements of RCW 34.08.040.

NEW SECTION

WAC 16-228-715 INDIVIDUALS HYPERSENSITIVE TO PESTICIDES—DISTRIBUTION OF REGISTER. (1) The department shall distribute to commercial landscape applicators a copy of the register for individuals hypersensitive to pesticides. The register shall be distributed twice each calendar year, once by February 15 and once by June 15. The department may distribute an updated list as determined necessary in the sole judgment of the department. The register shall be distributed by first class mail.

(2) Commercial landscape applicators may request from the department at any time names newly added to the register for persons hypersensitive to pesticides which have been added since the last distribution by the department.

(3) Persons who are added to the register for hypersensitivity to pesticides subsequent to a distribution by the department are advised to contact commercial landscape applicators in their vicinity to provide notice of registration for hypersensitivity to pesticides until such time as the next, updated register is distributed by the department.

NEW SECTION

WAC 16-228-720 INDIVIDUALS HYPERSENSITIVE TO PESTICIDES—PRIOR NOTIFICATION OF PESTICIDE APPLI-CATIONS. (1) At least two hours before a scheduled landscape application, or at the time of landscape application for an immediate service call, the commercial landscape applicator shall provide notification of the application to any property owner or tenant requesting information, and any person qualifying for notification under WAC 16-228-710 who is located adjacent to or within thirty feet of the application. Such notifications can be made in writing, in person, or by telephone, disclosing the date of the pesticide application. In the event that a commercial landscape applicator is unable to provide prior notification because of the absence or inaccessibility of the individual, the commercial landscape applicator shall leave a written notice at the residence of the person affected. Should the person live in a multi-family dwelling, such as an apartment or condominium, the commercial landscape applicator may request the manager or other property owner's representative to notify the person of the scheduled application.

(2) Persons registered with the department for hypersensitivity to pesticides shall be notified of an immediate service call for landscape application either in person by the commercial landscape applicator, or by the commercial landscape applicator leaving a written notice on the

main access to the person's residence.

(3) The commercial landscape applicator shall not be found in violation of this section if all reasonable attempts have been made to comply with subsections (1) and (2) of this section.

WSR 90-01-147 PROPOSED RULES DEPARTMENT OF AGRICULTURE

[Filed December 20, 1989, 4:42 p.m.]

Continuance of WSR 89-23-116.

Title of Rule: Chapter 16-228 WAC, Pesticide applicator recordkeeping.

Purpose: Recordkeeping requirements for pesticide applicators.

Statutory Authority for Adoption: Chapters 15.58 and 17.21 RCW.

Statute Being Implemented: Chapter 17.21 RCW.

Summary: The proposed amendments include changes in pesticide applicator recordkeeping and include a form which would be used jointly by the Departments of Agriculture and Labor and Industries. A continuance is filed to add an additional public hearing date and revise the intended date of adoption to February 27, 1990.

Reasons Supporting Proposal: Pesticide laws were revised by the 1989 legislative session in EHB 2222. Revisions included that the Departments of Agriculture and Labor and Industries adopt one form that covers pesticide applicator recordkeeping and a workplace pesticide list.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Ted Maxwell, Program Manager, 406 General Administration Building, AX-41, (206) 753-5062.

Name of Proponent: Departments of Agriculture and Labor and Industries, governmental.

Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: Record information required by law would be kept on a prescribed form by Departments of Labor and Industries and Agriculture so that this information will be available in a uniform way when required by the agencies.

Proposal Changes the Following Existing Rules: Prior to EHB 2222, the recordkeeping information was only required for commercial applicators and public operators. Recordkeeping information is now required for all certified applicators and all persons applying pesticides to more than one acre of agricultural land. These amendments will also require the information to be kept on a prescribed form.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

Hearing Location: January 3, 1990, 9:30 a.m., Red Lion Inn, 1507 North 1st Street, Yakima, WA; and on January 4, 1990, 9:30 a.m., Hallmark Inn, 3000 West Marina Drive, Moses Lake, WA; and on January 9, 1990, 9:30 a.m., Elks Lodge, 2111 Riverside Drive, Mount Vernon, WA; and on January 26, 1990, 9:30 a.m., Wenatchee, Washington.

Submit Written Comments to: Alan S. Paja, Acting Assistant Director, Department of Labor and Industries, 805 Plum Street S.E., Olympia, WA 98504, by January 9, 1990.

Date of Intended Adoption: February 27, 1990.

December 20, 1989

Art. G. Losey
Assistant Director

WSR 90-01-148 PROPOSED RULES DEPARTMENT OF LABOR AND INDUSTRIES

[Filed December 20, 1989, 4:43 p.m.]

Continuance of WSR 89-23-118.

Title of Rule: Chapter 296-306 WAC, Safety standards for agriculture.

Hearing Location: January 3, 1990, 9:30 a.m., Red Lion Inn, 1507 North First Street, Yakima, WA; and on January 4, 1990, 9:30 a.m., Best Western Hallmark Inn, 3000 West Marina Drive, Moses Lake, WA; and on January 9, 1990, 9:30 a.m., Elks Lodge, 211 Riverside Drive, Mount Vernon, WA; and on January 26, 1990, 9:30 a.m., Red Lion Inn, Wenatchee.

Submit Written Comments to: Alan S. Paja, Acting Assistant Director, Division of Industrial Safety and Health, by January 9, 1990.

Date of Intended Adoption: February 9, 1990.

December 20, 1989 Joseph A. Dear Director

WSR 90-01-149 PROPOSED RULES DEPARTMENT OF REVENUE

[Filed December 20, 1989, 4:45 p.m.]

Original Notice.

Title of Rule: Amending WAC 458-20-185 Tax on tobacco products.

Purpose: To revise and update this section by amendments incorporating legislative tax rate changes, clerical corrections, and explanations of departmental procedural changes.

Statutory Authority for Adoption: RCw 82.32.300. Statute Being Implemented: Chapter 82.26 RCW.

Summary: Provides the new tobacco products tax rates and revised administrative forms for the reporting of destroyed or returned tobacco products.

Reasons Supporting Proposal: To implement chapter 82.26 RCW as amended and explains proceeding changes.

Name of Agency Personnel Responsible for Drafting: H. S. Wright, 711 Capitol Way South, #205, (206) 753–5544; Implementation: Edward Faker, 711 Capitol Way South, #400, (206) 753–5579; and Enforcement: Department of Revenue.

Name of Proponent: Department of Revenue, Miscellaneous Tax/Compliance, governmental.

Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: This rule provides the new combined tax rate of

64.90% of the wholesale sales price and provides new forms for the reporting of destroyed of returned goods. These changes will clarify the administration of tax to the benefit of the public and the department.

Proposal Changes the Following Existing Rules: See above.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

No economic impact. This rule has no identifiable administrative costs to business. Affects less than 10% of one industry. Wholesalers of tobacco products, SIC 5194, is less than 2% of SIC 519, Miscellaneous wholesaling nondurable goods.

Hearing Location: Revenue Conference Room #205, Evergreen Plaza Building, 711 Capitol Way South, Olympia, WA 98504, on January 24, 1990, at 9:30 a.m.

Submit Written Comments to: H. S. Wright, Administrative Law Judge, Department of Revenue, Interp. and Appeals, 415 General Administration Building, AX-02, Olympia, WA 98504, by January 24, 1990.

Date of Intended Adoption: January 31, 1990.

December 20, 1989 Edward L. Faker Assistant Director

AMENDATORY SECTION (Amending Order ET 83-15, filed 3/15/83)

WAC 458-20-185 TAX ON TOBACCO PRODUCTS((=DEFINITIONS:)). (1) Definitions.

(a) "Tobacco products" means all tobacco products except cigarettes (see WAC 458-20-186 for cigarette excise taxes). The term includes cigars, cheroots, stogies, periques; granulated, plug cut, crimp cut, ready rubbed or other smoking tobacco; snuff snuff flour, cavendish, plug, twist, fine cut, or other chewing tobacco; shorts, refuse scraps, clippings, cuttings, sweepings, or other kinds or forms of tobacco.

(b) "Distributor" means

(((a))) (i) Any person engaged in the business of selling tobacco products in this state who brings or causes to be brought into this state from without state any tobacco products for sale, or

(((tb))) (ii) Any person who makes, manufactures, or fabricates tobacco products in state for sale in this state, or

- (((c))) (iii) Any person engaged in the business of selling tobacco products without this state who ships or transports tobacco products to retailers in this state.
- (c) "Subjobber" means any person, other than a tobacco manufacturer or distributor, who buys tobacco products from a distributor and sells them to persons other than the ultimate consumers.
- (d) "Sale" means any transfer, exchange, or barter, in any manner or by any means whatsoever by any person for a consideration. It includes all gifts by persons selling tobacco products.
- (e) "Wholesale sales price" means the established manufacturer's price to the distributor, exclusive of any discount or other reduction.
- (f) "Business" means any trade, occupation, activity, or enterprise engaged in for the purpose of selling or distributing tobacco products in this state
- (2) NATURE OF TAX. ((RCW 82.26.020(1) levies a)) An excise tax is levied at the combined rate of ((48.15)) 64.90% of the wholesale sales price on all tobacco products sold, used, consumed, handled, or distributed within the state, pursuant to the following statutes: RCW 82.26.020(1) which levies a general fund tax at the rate of 48.15% and RCW 82.26.025 which levies an additional tax of 16.75% payable into the water quality fund. The tax is to be paid by the distributor at the time the distributor brings or causes to be brought into this state from without the state tobacco products for sale.
- (3) BOOKS AND RECORDS. Since the tobacco products tax is paid on returns as computed by the taxpayer rather than by affixing of stamps or decals, the law contains stringent provisions requiring that accurate and complete records be maintained and preserved for 5 years for examination by the department of revenue.
- (a) The records to be kept by distributors include itemized invoices of tobacco products held, purchased, manufactured, brought in or

caused to be brought in from without the state or shipped or transported to retailers in this state, and of all sales (including customers' names and addresses) of tobacco products except retail sales. All other pertinent papers and documents relating to purchase, sale, or disposition of tobacco products must likewise be so retained.

(b) Retailers and subjobbers must secure and retain legible and itemized invoices of all tobacco products purchased, showing name and

address of the seller and the date of purchase.

(c) Records of all deliveries or shipments (including ownership, quantities) of tobacco products from any public warehouse of first destination in this state must be kept by the warehouse.

- (4) REPORTS AND RETURNS. The tax is reported on the combined excise tax return, Form REV 40 2406, to be filed according to the reporting frequency assigned by the department. Detailed instructions for preparation of these returns may be secured from the department.
- (a) Out-of-state wholesalers or distributors selling directly to retailers in Washington should apply for a certificate of registration, and the department will furnish returns for reporting the tax.
- (5) INTERSTATE AND SALES TO U.S. The tax does not apply to tobacco products sold to federal government agencies, nor to deliveries to retailers or wholesalers outside the state for resale by such retailers or wholesalers, and a credit may be taken for the amount of tobacco products tax previously paid on such products.
- (6) RETURNED OR DESTROYED GOODS. A credit may also be taken for tobacco products destroyed or returned to the manufacturer on which tax was previously paid, but returns on which such credits are claimed must be accompanied by appropriate affidavits or certificates conforming to those illustrated below:

((AFFIDAVIT)) CERTIFICATE OF TAXPAYER

Claim for Credit on Tobacco Products Tax

Merchandise Destroyed

((State of	 •			•		-	÷	.	÷			•	•	•	ì
County of	 _	_	_		_	_	_		_	_	_	-	_	-	35.

))The undersigned ((being first duly sworn, upon oath deposes and says)) certifies under penalty of perjury under the laws of the State of Washington that the following is true and correct to the best of his/her knowledge:

That he/she is ((<u>(Position)</u>)) (Title) of the
(((Company))) (Business Name), a dealer in tobacco
products; that said dealer has destroyed merchandise unfit for sale
said tobacco products having a wholesale sales price of \$; that
tobacco tax had been paid on such tobacco products; that said tobacco
products were destroyed in the following manner and in the presence of
an authorized agent of the department of revenue:

an authorized agent of the departme	ent of revenue.
(State date and mar	nner of destruction)
Attested to:	
Authorized Agent	Name of Affiant
DEPARTMENT OF REVENUE OF THE STATE OF WASHINGTON))	
Date <u>By</u>	Signature of Taxpayer or Authorized Representative.
	Position with Dealer
	Dealer
	Address of Dealer
APPROVED:	
Authorized Agent of Department of Revenue of the	

State of Washington

((AFFIDAVIT)) CERTIFICATE OF MANUFACTURER

Claim for Credit on Tobacco Products Tax
Merchandise Returned

((State of	•	•	•	•	٠	•	·	·	•	•	•	•	•	•	•	•	•	•	•	-	Ĺ			_
County of	_	•	•	-	•			•	•								•	•		٠.	f	٠	99	•

))The undersigned ((being first duly sworn, upon oath deposes and says)) certifies under penalty of perjury under the laws of the State of Washington that the following is true and correct to the best of his/her knowledge:

(Parition)

That he sie is (((rosition)))(ritio)or the
(((Name of Manufacturer))) (Business Name) , a man-
ufacturer of tobacco products; that the said manufacturer has received
from (Dealer), (Address) a dealer in tobacco products
within the State of Washington, certain tobacco products which were
unfit for sale, said tobacco products having a wholesale sales price of
\$; that said tobacco products were destroyed in the following
manner:
(State date and manner of destruction)
(State date and manner of destruction)

ha/cha

((Name of Affiant))
Signature of Taxpayer or
Authorized Representative

on behalf of the Department of Revenue - State of Washington Name of Manufacturer

(Title) of

Address

Date

Reviser's note: RCW 34.05.395 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

Reviser's note: The typographical errors in the above section occurred in the copy filed by the agency and appear in the Register pursuant to the requirements of RCW 34.08.040.

WSR 90-01-150 PROPOSED RULES DEPARTMENT OF REVENUE

[Filed December 20, 1989, 4:47 p.m.]

Original Notice.

Title of Rule: Amending WAC 458-20-186 Tax on cigarettes.

Purpose: To revise and update this section by amendments incorporating legislative tax rate changes, clarifications of civil and criminal penalty provisions, clerical corrections, and explanations of departmental tax administrative changes.

Statutory Authority for Adoption: RCW 82.32.300.

Statute Being Implemented: Chapter 82.24 RCW, as amended.

Summary: Provides the new cigarette tax rates, clarifies penalties on possessors of untaxed cigarettes, and explains the procedures for distributor bonding, and for refunds, reports and returns of persons dealing with cigarettes.

Reasons Supporting Proposal: To implement new legislation cited above and chapter 82.24 RCW, as amended, and to publish existing departmental procedures.

Name of Agency Personnel Responsible for Drafting: H. S. Wright, 711 Capitol Way South, #205, (206) 753–5544; Implementation: Edward Faker, 711 Capitol Way South, #400, (206) 753–5579; and Enforcement: Department of Revenue.

Name of Proponent: Department of Revenue, governmental.

Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: This rule publishes the new rate of 1.7 cents per cigarette. Additionally, it clarifies the civil and criminal penalties for possessors of untaxed cigarettes. Also, it provides explanations of the process and procedures for cigarette distributor bonding, and for refunds and returns of cigarettes. It is anticipated that these changes will clarify and simplify the administration of the cigarette tax.

Proposal Changes the Following Existing Rules: See above.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

Affects less that 10% of one industry. Provisions in this rule only affect wholesalers of cigarettes. There are 33 wholesalers of cigarettes registered with the department. Cigarette wholesalers are classified under SIC 5194. There are 2,762 active accounts within SIC 519, Miscellaneous wholesaling nondurable goods. Therefore, only 1.19% of the three-digit SIC industry is affected.

Hearing Location: Revenue Conference Room #205, Evergreen Plaza Building, 711 Capitol Way South, Olympia, WA 98504, on January 24,1990, at 11:00 a.m.

Submit Written Comments to: H. S. Wright, Administrative Law Judge, Department of Revenue, Interp. and Appeals, 415 General Administration Building, AX-02, Olympia, WA 98504, by January 24, 1990.

Date of Intended Adoption: January 31, 1990.

December 20, 1989 Edward L. Faker Assistant Director

AMENDATORY SECTION (Amending Order ET 87-5, filed 9/8/87)

WAC 458-20-186 TAX ON CIGARETTES. (1) The Washington state cigarette tax is imposed in the total amount of 1.7 cents per cigarette or ((3+)) 34 cents upon each package of 20 cigarettes or (((3+75¢)) 42 and 1/2 cents per package of 25. (() by the following statutes:)) The cigarette tax provides funds to drug enforcement and education, water quality and the general fund accounts in the amount of 3, 8, and 23 cents respectively upon each package of 20 cigarettes.

(((a) RCW 82.24.020, which imposes a tax of 11 mills per cigarette; or 22 cents upon each package of 20 (27.5¢ per package of 25).

(b) RCW 82.24.027, which imposes a tax of 4 mills per cigarette, or 8 cents upon each package of twenty (10¢ per package of 25), to provide funding for the water quality account.))

(2) This tax is <u>due and</u> payable by the first person who sells, uses, consumes, handles, <u>possesses</u> or distributes the cigarettes in this state. For purposes of this rule, a <u>possessor</u> is anyone who <u>personally or through</u> an agent, employee, or <u>designee</u> has <u>possession</u> of <u>cigarettes in this state</u>. Payment is made through the <u>purchase of stamps from</u> ((the <u>department of revenue or its authorized agent</u>)) authorized banks.

- (3) EXEMPTIONS. The cigarette tax does not apply upon cigarettes sold to persons licensed as cigarette distributors in other states when, as a condition of the sale, the seller either delivers the cigarettes to such a buyer at a point outside this state, or delivers the same to a common carrier with the shipment consigned by the seller to such a buyer at a location outside this state. Any person engaged in making sales to licensed distributors in other states or making export sales (see WAC 458-20-193A and 458-20-193C) or in making sales to the federal government ((or to the established governing bodies of an Indian tribe recognized as such by the United States Department of the Interior and who are authorized by Rule 192 WAC 458-20-192 to receive unstamped cigarettes who)) must furnish((es)) a surety bond in a sum ((satisfactory to the department of revenue, may set aside such part of the person's stock as may be necessary)) equal to twice the amount of tax which would be affixed to the cigarettes that are set aside for the conduct of such business without affixing cigarette tax stamps. Such unstamped stock must be kept separate and apart from any stamped
- (4) Cigarettes, other than those above mentioned, which are ((not)) stamped and exempt from the tax by reason of their sale either to an Indian or ((for resale on an Indian reservation (see WAC 458-20-192))) an Indian tribe for resale must follow the provisions of WAC 458-20-192. ((Permission to maintain an unstamped stock of cigarettes for sale to a specified Indian tribe may be revoked when it appears that sales to unauthorized purchasers are being, or have been, made:))
- (5) COLLECTION. Every person unlawfully in possession of unstamped cigarettes in this State shall be liable for the cigarette tax provided for herein. Ordinarily, the tax obligation is imposed and collected on the first possessor of such unstamped cigarettes. However, failure by the first possessor to pay such tax does not excuse any subsequent possessor of unstamped cigarettes. Stamps indicating the payment of the cigarette tax must be affixed prior to any sale, use, consumption, handling, possession or distribution ((of the)) for all cigarettes other than those mentioned in (3) above. The stamp must be applied to the smallest container or package, unless the department determines that it is impractical to do so.
- (6) Every licensed stamping wholesaler ((or retailer in the state)) shall stamp those cigarettes that require stamping within 72 hours after receipt, ((any of the articles taxed herein)) but in any event, on or before sale or transfer to another party. Stamps ((must)) shall be of the type authorized by the Department which at present is only the heat applied "fuson" type. The use of meter stamping machines for use in imprinting packages, in lieu of attaching stamps, is not authorized by the department. The use of water "decalcomania" type stamps by such vendors is not authorized.
- (7) Persons other than <u>licensed stamping</u> wholesalers ((or retailers, upon holding, owning, possessing or controlling eigarettes in this state, must affix stamps on or before the close of the first business day following receipt of the eigarettes.
- (8) Prior to the receipt or transportation of cigarettes in this state such persons)) must file with ((a district office of)) the department of revenue, prior to receipt, a notice of intent to possess unstamped cigarettes in the state of Washington. A copy of this notice, validated by an agent of the department of revenue, must be in the possession of any such person who is in possession of unstamped cigarettes in this state.
- (((10))) (9) Any unstamped cigarettes in the possession of persons (other than licensed stamping wholesalers ((or retailers))) who have ((either)) failed to file a notice of intent to possess unstamped cigarettes in the state of Washington or who have failed to affix stamps ((within the time limitation provided above)) and/or who have failed

to pay the tax as required herein, will be deemed contraband and subject to seizure and forfeiture under the provisions of RCW 82.24.130.

(((11))) (10) ((The "fuson" type stamps are available, in rolls of 12,000, 19,000, and 30,000 stamps, from an)) State approved cigarette stamps are available from authorized banks. Payment for stamps may be made either at the time of sale, or deferred until later, although the latter form of payment is available only to vendors who meet the requirements of the department and who have furnished a surety bond equal to the proposed total monthly credit limit. In addition, purchases on a deferred payment plan may be made only by the cigarette seller himself or by an agent authorized by him to do so. This authorization may be in the form of a signature card, filed with the bank, from which stamps are usually obtained, and kept current by the vendor. Payments under a deferred plan are due within 30 days following the purchase, and are to be paid at the outlet from which the stamps were obtained, and may be paid by check payable to the department of revenue. Cigarette ((dealers, either retail or wholesale,)) wholesalers who purchase stamps under either plan are allowed, as compensation for their services in affixing stamps, an amount equal to \$4.00 per thousand stampsaffixed, which ((may be)) is offset against the purchase

(((12))) (11) BOOKS AND RECORDS. An accurate set of records((7)) showing all transactions had with reference to the purchase, sale or distribution of ((articles subject to the cigarette tax)) cigarettes must be retained. These records may be combined with those required in connection with the tobacco products tax, by WAC 458-20-185, provided there is a segregation therein of the amount involved. All such records must be preserved for 5 years from the date of the transaction.

(((13))) (12) In particular, persons shipping or delivering any ((of the articles taxed herein)) cigarettes to a point outside of this state shall transmit to the ((m)) Miscellaneous ((t)) Tax ((section)) and Unclaimed Property Division, not later than the 15th of the following calendar month, a true duplicate invoice showing full and complete details of the interstate sale or delivery.

(((144))) (13) REPORTS AND RETURNS. The department of revenue may require any person dealing with cigarettes, in this state, to complete and return forms, as furnished, setting forth sales, inventory and other data required by the department to maintain control over trade in ((the articles taxed herein)) cigarettes.

(((15))) (14) Manufacturers and wholesalers selling ((these articles)) stamped, unstamped or untaxed cigarettes shall, before the 15th day of each month, transmit to the ((m)) Miscellaneous ((t)) Tax ((section)) and Unclaimed Property Division a complete record of sales of cigarettes in this state during the preceding month.

(((16))) (15) REFUNDS. Any person may request a refund of the face value of the stamps. ((, less the affixing discount when cigarettes to which they are affixed)) Refunds for stamped untaxed cigarettes sold to Indians or Indian Tribes will include the stamping allowance and will be approved by an agent of the department. Refunds for stamped cigarettes will not include the stamping allowance if the stamps are:

(a) Damaged, or unfit for sale, and as a result are destroyed or returned to the manufacturer or distributor.

(b) ((Sold and shipped to a registered dealer regularly making sales of cigarettes in another state.)) Improperly or partially affixed through burns, jams, double stamps, stamped on carton flaps, or improper removal from the stamp roll.

(((17))) (16) ((In either case, t)) The claim for refund((,-()) must be filed on a form which is provided by the department, Form REV 37-2063(() must be accompanied by)). ((a)) An affidavit, ((in the first instance, of the receipt by the manufacturer and, in the second instance, of the receipt by the buyer of cigarettes bearing stamps from this state.)) or a certificate from the manufacturer claiming refund, or by the agent of the department verifying the voiding of stamps and authorizing the refund, shall accompany the form.

(((18))) (17) CRIMINAL PROVISIONS. RCW 82.24.110(1) prohibits certain specified criminal activities with respect to cigarettes and ((prescribes criminal sanctions for such)) makes such activities gross misdemeanors. Also, RCW 82.24.100 and RCW 82.24.110(2) prohibit((s)) alteration or fabrication of stamps and transportation and/or possession of 300 or more cartons of unstamped cigarettes ((under certain conditions and prescribes criminal sanctions for such class C)) and makes those activities felonies. Persons commercially handling cigarettes in this state must refer to these statutes.

(18) SEARCH, SEIZURE AND FORFEITURE. The department of revenue may search for, seize and subsequently dispose of unstamped cigarette

packages and containers, vehicles of all kinds utilized for the transportation thereof, and vending machines utilized for the sale thereof. Persons handling unstamped cigarettes in this state must refer to RCW 82.24.130 and subsequent sections for provisions relating to search, seizure and forfeiture of such property, for possible redemption thereof, and for treatment of such property in the absence of redemption.

Reviser's note: RCW 34.05.395 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

WSR 90-01-151 PROPOSED RULES DEPARTMENT OF REVENUE

[Filed December 20, 1989, 4:48 p.m.]

Original Notice.

Title of Rule: New section WAC 458-20-256 Trade shows, conventions and seminars.

Purpose: To describe the collection of, and exemptions from, excise tax on entrance and space charges derived from trade shows, conventions and seminars.

Statutory Authority for Adoption: RCW 82.32.300.

Statute Being Implemented: RCW 82.04.4282.

Summary: Service B&O tax is collected on entrance and space charges derived from trade shows, conventions and seminars, except in limited instances for certain professional and trade nonprofit groups sponsoring qualifying events not open to the public.

Reasons Supporting Proposal: Implements RCW 82.04.4282.

Name of Agency Personnel Responsible for Drafting: H. S. Wright, 711 Capitol Way South #205, (206) 753–5544; Implementation: Edward Faker, 711 Capitol Way South #400, (206) 753–5579; and Enforcement: Department of Revenue.

Name of Proponent: Department of Revenue, governmental.

Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: This section explains in some detail the tax exemption not previously available to qualifying organizations sponsoring appropriate events. The anticipated effect is that sponsors of such events will understand the effects and administrative requirements of the new law.

Proposal does not change existing rules.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

No economic impact. This rule has no identifiable administrative costs to business. No affect on industry. This rule affects only nonprofit businesses. Negligible impact. This rule requires no actions on the part of any small business.

Hearing Location: Revenue Conference Room #205, Evergreen Plaza Building, 711 Capitol Way South, Olympia, WA 98504, on January 26, 1990, at 9:30 a.m.

Submit Written Comments to: H. S. Wright, Administrative Law Judge, Department of Revenue, Interp. and Appeals, 415 General Administration Building, AX-02, Olympia, WA 98504, by January 26, 1990.

Date of Intended Adoption: February 2, 1990.

December 20, 1989 Edward L. Faker Assistant Director

NEW SECTION

WAC 458-20-256 TRADE SHOWS, CONVENTIONS AND SEMINARS. (1) When a trade show, convention or educational seminar is sponsored and held by a nonprofit trade or nonprofit professional organization for a group other than the general public, the sponsoring organization may deduct from its business and occupation tax measure all "attendance" or "space" charges it collects for such an event, per RCW 82.04.4282. Non-qualifying organizations, and qualifying organizations sponsoring non-qualifying events, must include "attendance" and "space" charges in their tax measure for purposes of computing Service and Other Activity business and occupation tax thereon.

(2) Nonprofit organizations are taxed in the same fashion as profit—making individuals or groups, with but few tax exemptions. This section implements one of those exemptions. See also WAC sections 458—

20-114 and 458-20-169.

- (3) For purposes of this section, the following definitions shall apply:
- (a) The term "nonprofit" means exempt from tax under Section 501 of the Internal Revenue Code. The tax exempt status must be in effect when the trade show, convention, or seminar is conducted.
- (b) A "trade organization" is an entity whose members are engaged "in trade", ie., in one or more lawful commercial trades, businesses, crafts, industries, or distinct productive enterprises.
- (c) A "professional organization" is an entity whose members are engaged in a particular lawful vocation, occupation or field of activity of a specialized nature.
- (d) A "trade show" is a gathering of persons in trade for the purpose of exhibiting, demonstrating, and explaining services, products and/or equipment.
- (e) A "convention" is a gathering of persons in trade or a profession for the purposes of providing, publishing and exchanging information, ideas and attitudes and conducting the business of the organization.
- (f) A "seminar" is a gathering of persons in trade or a profession for the purpose of research, study, and/or exchange of specialized information, ideas and attitudes in regard to that trade or profession.
- (g) "Not open to the general public" means that attendance is limited to members of the sponsoring organization and to specific invited guests of the sponsoring organization.
- (4) As of July 23, 1989, for purposes of computing taxable receipts subject to business and occupation tax, a qualifying "nonprofit" organization may deduct all amounts the organization collects as charges for
 - (a) admissions, and
- (b) licenses to occupy space in order to display exhibits, equipment and/or goods, at an organization-sponsored trade show, convention or seminar not open to the general public.
 - (5) No statutory deduction is available for the following:
- (a) Outright sales of tangible personal property or services for which a specific charge separate from the charge for attending or occupying space is made. It is only those charges which are paid for the express privilege of attending or exhibiting at such an event which are deductible: and
- (b) Admission or space charges for purely social, recreational, entertainment or other non-trade or non-professional gatherings regardless of the nonprofit tax status of the sponsoring organization.
 - (6) Examples:
- (a) The local building trade council (Council) organizes and sponsors a trade show held for specialty and general housing contractors. Council has on file a letter of tax exemption under Section 501 of the Internal Revenue Code. Council collects \$100.00, prepaid, from each exhibitor for licenses to display and exhibit construction equipment, tools and related wares at preassigned booths, and \$5.00, paid at the door, from each contractor who attends the event. Because the sponsoring organization qualifies as a nonprofit trade organization, the event qualifies as a trade show sponsored by the organization, and it is not open to the general public, all of the amounts collected constitute deductible receipts of admission and/or space charges.
- (b) The metropolitan business group (Metro), a recognized tax-exempt organization under IRC Section 501, organizes and sponsors a convention for all of its businesses members. Following completion of regular Metro business matters (election of officers, etc.), there are speeches by accountants, attorneys, bankers, financial consultants, city planners, and other persons able to give legal and business advice and

information to those attending. Metro charges a \$25.00 per person entry fee. Included with the program is a hosted luncheon at which the mayor gives an explanation of local governmental regulations. The entry charges are fully deductible by Metro from its business and occupation tax measure. The sponsoring organization is "nonprofit" and a "trade organization" because its members are generically "in trade" even though not all are members of just one trade. The event constitutes a convention for persons "in trade" (generic, not specific) and the event is not open to the public. Finally, the moneys collected all constitute admission charges, no special charge for the meal having been made.

- (c) The eastside whiffle ball association (Association), a corporation recognized in writing to be tax exempt under Section 501 of the Internal Revenue Code, holds a "skills" clinic for all interested persons. The Association charges \$3.00 to all attending, which is just sufficient to cover the cost of materials and the use of a facility. Following the event, a special barbecue is held for \$4.00 extra per participant. Souvenirs imprinted with the Association name are also available for example charge. The \$3.00 admission charges, the \$4.00 dinner charges, and the souvenir charges must all be included in the Association's B&O tax measure for the following reasons, each one of which disallows the deduction:
 - (i) the Association is not a trade or professional organization,
 - (ii) the event is not a trade show, convention or seminar, and
- (iii) the event is open to the public. Separate dinner and souvenir charges are nondeductible in any event because they constitute itemized charges for goods and services.
- (d) A local concerned citizen group (Group), which has never applied for federal tax exempt status, organizes and sponsors a health care seminar held in the local school auditorium for district health care professionals, nurses, sport trainers, parents, and concerned students. To cover the cost of hiring competent medical experts to speak at the seminar, the Group charges \$5.00 per person. The event is sponsored by the Group for a worthwhile public purpose and the entry fees are in fact admission charges. For the following reasons, each one of which disallows the deduction, the Group will have to include all door charges in its tax measure: (i) The sponsoring organization is not properly recognized to be nonprofit (no federal tax recognition) or to be a trade or professional organization, and (ii) the event is open to the public at large.

KEY TO TABLE

Symbols:

AMD = Amendment of existing section

NEW = New section not previously codified

OBJEC = Notice of objection by Joint Administrative Rules Review Committee

PREP = Preproposal comments

RE-AD = Readoption of existing section

REP = Repeal of existing section

REAFF = Order assuming and reaffirming rules

REMOV = Removal of rule pursuant to RCW 34.04.050(5)

RESCIND = Rescind previous emergency rule REVIEW = Review of previously adopted rule

STMT = Statement regarding previously adopted rule

Suffixes:

-P = Proposed action

-C = Continuance of previous proposal

-E = Emergency action

-S = Supplemental notice

-W = Withdrawal of proposed action

No suffix means permanent action

This table covers the current calendar year through this issue of the Register and should be used to locate rules amended, adopted, or repealed subsequent to the publication date of the latest WAC or Supplement.

WAC # shows the section number under which an agency rule is or will be codified in the Washington Administrative Code.

WSR # shows the issue of the Washington State Register where the document may be found; the last three digits show the sequence of the document within the issue.

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1-21-100	NEW-P	89-09-068	10-08-251	NEW-P	89-10-035	16-228-115	AMD-P	89-20-067
1-21-100 1-21-110	NEW NEW-P	89-12-028 89-09-068	10-08-251 1 10-08-252 1	NEW-P	89-13-036	16-228-115	AMD	89-24-029
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1-21-120	NEW	89-12-028		NEW	89-13-036	16-228-117	NEW	89-22-074
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1-21-140 1-21-150	NEW NEW-P	89-12-028 89-09-068	16-22-040 A	AMD AMD-P	89-14-020 89-02-056	16-228-145	AMD	89-24-029
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4-25-191	NEW	89-03-062		MD-P	89-02-056	16-228-168	AMD-P	89-20-067
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10-08-010	REP-P	89-10-035		MD-P	89-21-074	16-228-185	AMD	89-24-029
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10-08-030	REP-P	89-10-035		MD-P	89-20-035	16-228-213	AMD-P NEW-P	89-23-116 89-20-067
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10-08-110	AMD-P	89-10-035	1	MD-P	89-23-068 89-20-035	16-228-410 16-228-420	NEW-E NEW-E	89-09-012 89-09-012
10-08-110	AMD	89-13-036	I .	MD-E	89-23-068	16-228-430	NEW-E	89-09-012
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10-08-130 10-08-140	AMD AMD-P	89-13-036 89-10-035		MD-E	89–23–068	16-228-470	NEW-E	89-09-012
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10-08-170 10-08-170	AMD-P AMD	89-10 - 035		MD-P	89-08-019	16-228-521	NEW-E	89-09-017
10-08-170	AMD-P	89-13-036 89-10-035		MD SEP-P	89-11 - 092 89-08-019	16-228-610 16-228-610	NEW-E	89-12-002
10-08-180	AMD	89–13 <i>–</i> 036		EP-P	89-11-092	16-228-615	NEW-E NEW-E	89-18-008 89-12-002
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10-08-200	AMD-P	89-10-035		EP-P	89-08-019	16-228-620	NEW-E	89-18-008
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WAC #		WSR #	WAC #		WSR #	WAC #		WSR #
16-228-625	NEW-E	89-18-008	16–232–480	REP-E	89–16–057	16-318-235	NEW-P	89-23-099
16-228-630	NEW-E	89-12-002	16-232-490	NEW-E	89-08-006	16-318-240	NEW-P	89-23-099
16-228-650	NEW-E	89-12-046	16-232-490	NEW-E	89-14-016	16-318-300	NEW-P	89-23-099
16-228-660	NEW-E NEW-E	89-12-046 89-12-046	16-232-490 16-232-500	REP-E NEW-E	89–16–057	16-318-305	NEW-P NEW-P	89–23–099 89–23–099
16-228-670 16-228-700	NEW-E	90-01-146	16-232-505	NEW-E	89-16-057 89-16-057	16-318-310 16-318-315	NEW-P	89-23-099 89-23-099
16-228-705	NEW-P	90-01-146	16-232-510	NEW-E	89–16–057	16-318-320	NEW-P	89-23-099
16-228-710	NEW-P	90-01-146	16-232-515	NEW-E	89-16-057	16-318-325	NEW-P	89-23-099
16-228-715	NEW-P	90-01-146	16-232-520	NEW-E	89-16-057	16-318-330	NEW-P	89-23-099
16-228-720	NEW-P	90-01-146	16-232-525	NEW-E	89-16-057	16-318-335	NEW-P	89-23-099
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16-228-900 16-230	AMD NEW-C	89-24-029 89-04-056	16-232-535 16-232-540	NEW-E NEW-E	89-16-057 89-16-057	16-318-345 16-318-350	NEW-P NEW-P	89-23-099 89-23-099
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16-230-800	NEW-P	89-03-065	16-232-550	NEW-E	89-16-057	16-318-360	NEW-P	89-23-099
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16-230-800	NEW	89-16-073	16-232-560	NEW-E	89-16-057	16-318-370	NEW-P	89-23-099
16-230-805	NEW-P NEW-P	89–03–065 89–11–093	16-232-565 16-300-010	NEW-E AMD-E	89-16-057 89-07-029	16-318-375 16-318-380	NEW-P NEW-P	89-23-099 89-23-099
16-230-805 16-230-805	NEW-F	89-16-073	16-300-010	AMD-P	89–07–029 89–07–074	16-318-385	NEW-P	89-23-099
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16-230-819	NEW-P	89-03-065	16-316-165	AMD-E	89-12-001	16-318-420	NEW-P	89-23-099
16-230-820	NEW-P	89-11-093	16-316-185	AMD-P	89-07-074	16-324-360	AMD-P	89-19-064
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16-230-845	NEW-P	89-11-093	16-316-360	AMD-P	89-07-074	16-324-610	AMD-P	89-19-064
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16-230-850	NEW-P NEW	89-11-093 89-16-073	16-316-370 16-316-375	AMD-P NEW-E	89-07-074 89-12-001	16-324-620 16-324-620	AMD-P AMD	89-19-064 89-23-073
16-230-850 16-230-855	NEW-P	89-11-093	16-316-380	NEW-E	89-12-001	16-324-630	AMD-P	89-19-064
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16-232-405	NEW-E	89-05-004	16-316-455	AMD-E	89-12-001	16-324-680	AMD-P	89-19-064
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16-232-415 16-232-425	REP-E NEW-E	89-08-006 89-05-004	16-316-525 16-316-525	AMD-P	89-07-074 89-11-078	16–333–050 16–333–060	AMD AMD–P	89-16-051 89-12-063
16-232-425	REP-E	89-08-006	16-316-620	AMD-E	89-12-001	16-333-060	AMD	89-16-051
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16-232-440 16-232-440	NEW-E REP-E	89-14-016 89-16-057	16-316-810	AMD-P	89–07–074	16-400-040	AMD-P	89-05-040 89-05-040
16-232-445	NEW-E	89-05-004	16-316-810	AMD	89-11-078	16-400-040	AMD	89-08-040
16-232-445	REP-E	89-08-006	16-316-820	AMD-P	89-07-074	16-400-050	REP-P	89-05-040
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16-232-455	NEW-E	89-05-004	16-317-050	AMD-P	89-24-066	16-400-150	AMD-P	89–05–040
16-232-455	REP-E	89-08-006	16-317-060	AMD-P	89-24-066	16-400-150	AMD	89-08-040
16-232-460	NEW-E	89-08-006	16-317-090	REP-P	89-24-066	16-400-210	AMD-P	89-05-040
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16-232-465	REP-E	89-08-006	16-318-205	NEW-P	89-23-099	16-403	AMD-C	89-13-047
16-232-470	NEW-E	89-08-006	16-318-210	NEW-P	89-23-099	16-403-142	AMD-P	89-09-011
16-232-470	NEW-E	89-14-016	16-318-215	NEW-P	89-23-099	16-403-142	AMD	89-14-031
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16-232-480 16-232-480	NEW-E	89-14-016	16-318-223	NEW-P	89-23-099 89-23-099	16-403-190	AMD-P	89-09-011
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16-403-190	AMD	89-14-031	16-752-315	NEW-E	89–20–077	44-10-220	AMD-E	89-12-031
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16-403-280 16-403-280	AMD-P AMD	89-09-011 89-14-031	16-752-320 16-752-320	NEW-E NEW-P	89-20-077 89-21-064	44-10-230 44-10-230	AMD-E AMD	89-12-031 89-16-024
16-403-280	AMD-P	90-01-113	16-752-320	NEW	89-24-090	44-10-240	AMD-P	89-12-030
16-516-040	AMD-P	90-01-074	16-752-325	NEW-E	89-20-077	44-10-240	AMD-E	89-12-031
16-528-020	AMD-P	89-04-049	16-752-325	NEW-P	89-21-064	44-10-240	AMD	89-16-024
16-528-020	AMD AMD-P	89-08-020	16-752-325	NEW	89-24-090	44-10-300	NEW	89-06-025
16-550-020 16-550-020	AMD-P AMD	89-09-057 89-12-054	16-752-330 16-752-330	NEW-E NEW-P	89-20-077 89-21-064	44-10-310 44-10-320	NEW NEW	89–06–025 89–06–025
16-557-010	NEW-P	89-19-065	16-752-330	NEW	89-24-090	50-12-310	NEW-P	89-24-063
16-557-010	NEW-S	89-24-074	25-48-020	AMD-P	89-17-116	50-12-320	NEW-P	89-24-063
16-557-020	NEW-P	89-19-065	25-48-020	AMD-E	89-17-117	50-12-330	NEW-P	89-24-063
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16-557-030	NEW-F	89-24-074	25-48-030	AMD-P	89-17-116	50-12-360	NEW-P	89-24-063 89-24-063
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16-557-040	NEW-S	89-24-074	25-48-030	AMD-E	90-01-090	50-44-020	AMD-P	89-06-059
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16-622-015	NEW-E	90-01-039	44–10–040	AMD-P	89-12-030	51-04	AMD-P	89-17-138
16-622-020 16-622-020	NEW-P NEW-E	9001038 9001039	44-10-040 44-10-040	AMD–E AMD	89-12-031 89-16-024	51-04-010 51-04-015	AMD-P NEW-P	89–17–138 89–17–138
16-622-025	NEW-P	90-01-038	44-10-050	AMD-P	89-12-030	51-04-018	NEW-P	89-17-138
16-622-025	NEW-E	90-01-039	44-10-050	AMD-E	89-12-031	51-04-020	AMD-P	89-17-138
16-622-030	NEW-P	90-01-038	44-10-050	AMD	89-16-024	51-04-025	NEW-P	89-17-138
16-622-030 16-622-035	NEW-E NEW-P	90-01-039 90-01-038	44–10–055 44–10–055	REP-P REP-E,	89-12-030 89-12-031	51-04-030 51-04-035	NEW-P NEW-P	89-17-138
16-622-035	NEW-E	90-01-039	44-10-055	REP-E,	89-16-024	51-04-037	NEW-P	89-17-138 89-17-138
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16-622-045 16-622-045	NEW-P NEW-E	90-01-038 90-01-039	44–10–060 44–10–100	AMD AMD–P	89-16-024	51-04-060	NEW-P NEW-P	89-17-138
16-622-050	NEW-P	90-01-039	44-10-100	AMD-F AMD-E	89-12-030 89-12-031	51-04-070 51-06-010	AMD-P	89-17-138 89-17-138
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16-622-055	NEW-P	90-01-038	44-10-110	AMD-P	89-12-030	51-06-030	REP-P	89-17-138
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16-622-900 16-622-900	NEW-P NEW-E	90-01-038 90-01-039	44-10-110 44-10-120	AMD AMD	89-16-024 89-06-026	51-06-050 51-06-060	REP-P REP-P	89-17-138 89-17-138
16-690-015	AMD-P	89-05-041	44-10-130	AMD-P	89-12-030	51-06-070	AMD-P	89-17-138
16-690-015	AMD	89-08-039	44-10-130	AMD-E	89-12-031	51-06-080	REP-P	89-17-138
16-750-003	AMD-P	89-20-057	44-10-130	AMD	89-16-024	51-06-090	REP-P	89-17-138
16-750-003 16-750-005	AMD AMD-P	9001004 8920057	44-10-140 44-10-140	AMD-P AMD-E	89-12-030 89-12-031	51-06-100 51-06-110	REP-P REP-P	89-17-138
16-750-005	AMD	90-01-004	44-10-140	AMD-L AMD	89-16-024	51-06-120	AMD-P	89-17-138 89-17-138
16750011	AMD-P	89-20-057	44-10-150	AMD-P	89-12-030	51-08-010	AMD-P	89-17-138
16-750-011	AMD	90-01-004	44-10-150	AMD-E	89-12-031	51-10	AMD-P	89-17-138
16-750-015 16-750-015	AMD-P AMD	89-20-057 90-01-004	44-10-150	AMD	89-16-024	51-12-102	AMD	8904043
16-750-950	NEW-P	89-11-071	44-10-160 44-10-160	AMD-P AMD-E	89-12-030 89-12-031	51-12-206 51-12-219	AMD AMD	8904043 8904043
16-750-950	NEW-E	89-11-072	44-10-160	AMD	89-16-024	51-12-220	AMD-P	89-17-138
16-750-950	NEW	89-16-007	44-10-170	AMD-P	89-12-030	51-12-223	AMD	89-04-043
16-752-300 16-752-300	NEW-E NEW-P	89-20-077	44-10-170	AMD-E	89-12-031	51-12-305	AMD	89-04-043
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16-752-310 16-752-310	NEW-E NEW-P	89-20-077 89-21 <i>-</i> 064	44-10-200 44-10-200	AMD-E AMD	89-12-031 89-16-024	51-12-426 51-12-503	AMD-P AMD	89-17-138 89-04-043
16-752-310	NEW	89-24-090	44-10-220	AMD-P	89-12-030	51-12-503 51-12-601	AMD AMD	8904043 8904043
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WAC #		WSR #	WAC #		WSR #	WAC #	<u>-</u>	WSR #
51-12-601	AMD-P	89-17-138		AMD	89-08-043	131-28-030	AMD	89-14-037
51-12-602	AMD	89-04-043	98-40-070	AMD-P	89-05-054	131-28-040	AMD-P	89-06-054
51-12-605 51-12-608	AMD AMD	89-04-043 89-04-043	98-40-070 98-40-080	AMD AMD–P	89–08–043 89–05–054	131-28-040 131-28-045	AMD AMD-P	89-14-037 89-06-054
51-12-608	AMD-P	89-17-138	98-40-080	AMD-I AMD	89-08-043	131-28-045	AMD	89-14-037
51-16-030	AMD	89-11-081		AMD-P	89-03-032	131-28-080	AMD-P	89-06-054
51-16-030	AMD-P	89-17-138	98-70-010	AMD-E	89-03-033	131-28-080	AMD	89-14-037
51-16-050	AMD	89-11-081	98-70-010	AMD	89-06-074	131-28-085	AMD-P	89-06-054
51-16-050 51-18-010	AMD-P NEW-P	89-17-138 89-17-138		AMD-E AMD-P	89-21-089	131-28-085 131-28-090	AMD AMD–P	89–14–037 89–06–054
51-18-010 51-18-020	NEW-P	89-17-138 89-17-138		AMD-P AMD-E	89-19-026 89-19-027	131-28-090	AMD-P AMD	89–06–034 89–14–037
51-18-030	NEW-P	89-17-138		AMD	90-01-006	132D-08-010	REP-P	89-07-061
51-18-040	NEW-P	89-17-138	106-116-203	AMD-P	89-19-026	132D-08-010	REP	89-11-023
5118050	NEW-P	89-17-138		AMD-E	89-19-027	132D-08-015	REP-P	89-07-061
55-01-010	AMD	89-06-001		AMD	90-01-006	132D-08-015	REP	89-11-023
55-01-010 55-01-010	AMD-E AMD-P	89-08-055 89-08-097		AMD-P AMD-E	89-19-026 89-19-027	132D-08-020 132D-08-020	REP-P REP	89-07-061 89-11-023
55-01-010	AMD	89-11-059		AMD-L AMD	90-01-006	132D-08-025	REP-P	89-07-061
55-01-030	AMD	89-06-001	106-116-207	AMD-P	89-19-026	132D-08-025	REP	89-11-023
55-01-050	AMD	89-06-001	106-116-207	AMD-E	89-19-027	132D-10-003	REP-P	89-07-069
55-01-050	AMD-E	89-16-021		AMD B	90-01-006	132D-10-003	REP	89-11-022
55-01-050 55-01-050	AMD-P AMD	89-19-018 89-22-014		AMD-P AMD-E	8919026 8919027	132D-10-006 132D-10-006	REP-P REP	8907069 8911022
55-01-060	AMD	89-06-001		AMD-L AMD	90-01-006	132D-10-000	REP-P	89–07–069
67-25-560	AMD-P	89-22-118		AMD-P	89-19-026	132D-10-009	REP	89-11-022
67-25-570	AMD-P	89-22-118		AMD-E	89-19-027	132D-10-012	REP-P	89-07-069
67–35–020	AMD-P	89-18-013		AMD B	90-01-006	132D-10-012	REP	89-11-022 89-07-069
67-35-020 67-35-090	AMD AMD-P	89-21-046 89-18-013		AMDP AMDE	8919026 8919027	132D-10-015 132D-10-015	REP-P REP	8911-022
67-35-090	AMD	89-21-046		AMD	90-01-006	132D-10-018	REP-P	89-07-069
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67-35-310 67-35-310	AMD-P AMD	89-18-013 89-21-046	106-116-311 106-116-514	AMD AMD-P	90-01-006 89-19-026	132D-10-021 132D-10-024	REP REP-P	89-11-022 89-07-069
67-35-430	AMD-P	89-18-013	106-116-514	AMD-E	89-19-027	132D-10-024	REP	89-11-022
67–35–430	AMD	89-21-046	106116514	AMD	90-01-006	132D-10-027	REP-P	89-07-069
67-35-910	AMD-P	89-18-013		AMD-P	89-19-026	132D-10-027	REP	89-11-022
67-35-910 82-30-010	AMD NEW-P	89-21-046 89-11-107		AMD-E AMD	89-19-027 90-01-006	132D-10-030 132D-10-030	REP-P REP	89-07-069 89-11-022
82-30-010 82-30-020	NEW-P	89-11-107		AMD-P	89-19-026	132D-10-030	REP-P	89-07-069
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82-30-050 82-30-060	NEW-P NEW-P	89-11-107 89-11-107		NEW-P AMD-P	89-12-083 89-12-083	132D-10-036 132D-10-037	REP REP-P	89-11-022 89-07-069
82-50-000 82-50-021	AMD	89-03-063	113-12-195	AMD-I	89-16-095	132D-10-037	REP	89-11-022
82-50-021	AMD-P	89-15-026	114-12-125	REPP	89-14-029	132D-10-039	REP-P	89-07-069
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98-08-150 98-08-150	AMD-P AMD	89-05-054 89-08-043		AMD-P	89-14-102	132D-10-051	REP	89-11-022
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98-16-020	AMD	89-08-043		AMD	89-22-063	132D-10-069	REP-P	89-07-069
98-20-010	REP-P	89-05-054	131-28	AMD-C	89-09-056	132D-10-069	REP	89-11-022
98-20-010	REP	89-08-043		AMD-C	89-11-079	132D-10-072	REP-P	89-07-069
98-20-020 98-20-020	AMD-P AMD	89-05-054 89-08-043		AMD-P AMD	89-06-054 89-14-037	132D-10-072 132D-10-075	REP REP-P	89-11-022 89-07-069
98-20-020 98-40-020	AMD-P	89-05-054		AMD-P	89-06-054	132D-10-075	REP	89-11-022
98-40-020	AMD	89-08-043	131-28-021	AMD	89-14-037	132D-10-078	REP-P	89-07-069
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98-40-030 98-40-040	AMD AMD-P	89-08-043 89-05-054		AMD AMD-P	89–14–037 89–06–054	132D-10-084 132D-10-084	REP-P REP	89-07-069 89-11-022
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132D-10-096	REP-P	89-07-069	132D-10-296	REP	89-11-022	132D-10-410	REP-P	89–07–069
132D-10-096	REP	89-11-022	132D-10-299	REP-P	89–07–069	132D-10-410	REP	89-11-022
132D-10-120	REP-P	89-07-069	132D-10-299 132D-10-302	REP REP-P	89-11-022 89-07-069	132D-10-413 132D-10-413	REP-P	89-07-069
132D-10-120 132D-10-144	REP REP-P	89-11-022 89-07-069	132D-10-302	REP-F	89-11-022	132D-10-415	REP REP-P	89-11-022 89-07-069
132D-10-144 132D-10-144	REP	89-11-022	132D-10-305	REP-P	89-07-069	132D-10-416	REP	89-11-022
132D-10-147	REP-P	89-07-069	132D-10-305	REP	89-11-022	132D-10-419	REP-P	89-07-069
132D-10-147	REP	89-11-022	132D-10-308	REP-P	89-07-069	132D-10-419	REP	89-11-022
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132D-10-153 132D-10-153	REP-P	89-11-022	132D-10-311 132D-10-314	REP-P	89-11-022 89-07-069	132D-10-425	REP-P	89-07-069 89-11-022
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132D-10-165	REP	89-11-022	132D-10-317	REP-P	89-07-069	132D-10-428	REP	89-11-022
132D-10-168	REP-P	89-07-069	132D-10-317	REP	89-11-022	132D-10-431	REP-P	89-07-069
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132D-10-189 132D-10-189	REP-P REP	89-07-069 89-11-022	132D-10-338 132D-10-341	REP REP-P	89-11-022 89-07-069	132D-12-020 132D-12-020	REP-P REP	89–05–047 89–09–038
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132D-10-198 132D-10-198	REP-P	89-07-069 89-11-022	132D-10-347 132D-10-350	REP REP–P	89-07-069	132D-18-030 132D-18-030	REP-P REP	89-07-062 89-11-024
132D-10-201	REP-P	89-07-069	132D-10-350	REP	89-11-022	132D-18-040	REP-P	89-07-062
132D-10-201	REP	89-11-022	132D-10-353	REP-P	89-07-069	132D-18-040	REP	89-11-024
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132D-10-264 132D-10-264	REP-P REP	89-07-069 89-11-022	132D-10-377 132D-10-380	REP REP-P	89-11-022 89-07-069	132D-18-130 132D-18-130	REP-P REP	89-07-062 89-11-024
132D-10-267	REP-P	89-07-069	132D-10-380	REP	89-11-022	132D-18-140	REP-P	89-07-062
132D-10-267	REP	89-11-022	132D-10-383	REP-P	8907069	132D-18-140	REP	89-11-024
132D-10-270	REP-P	89-07-069	132D-10-383	REP	89-11-022	132D-18-150	REP-P	89-07-062
132D-10-270 132D-10-273	REP REP-P	89-11-022 89-07-069	132D-10-386 132D-10-386	REP-P REP	89-07-069 89-11-022	132D-18-150 132D-20-010	REP REP-P	89-11-024 89-05-012
132D-10-273	REP	89-11-022	132D-10-389	REP-P	89-07-069	132D-20-010 132D-20-010	REP-W	89-05-046
132D-10-276	REP-P	89-07-069	132D-10-389	REP	89-11-022	132D-20-010	REP-P	89-07-070
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132D-10-277	REP-P	89-07-069	132D-10-395	REP	89-11-022	132D-20-020 132D-20-020	REP-P	89-03-046 89-07-070
132D-10-281	REP	89-11-022	132D-10-398	REP-P	89-07-069	132D-20-020	REP	89-11-025
132D-10-284	REP-P	89-07-069	132D-10-398	REP	89-11-022	132D-20-030	REP-P	89-05-012
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132D-10-290	REP-P	89-07-069	132D-10-404	REP	89-11-022	132D-20-030 132D-20-040	REP-P	89-05-012
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132D-10-295 132D-10-296	REP-P	89-11-022 89-07-069	132D-10-408 132D-10-408	REP-P	89-07-069 89-11-022	132D-20-040 132D-20-050	REP-P	89-11-025 89-05-012
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132D-20-090	REP-P	89-05-012	132D-20-280	REP-W	89-05-046	132D-276-110	NEW-P	89-07-062
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132D-20-100	REP-P	89-05-012	132D-20-290	REP-W	89-05-046	132D-276-130	NEW-P	89-07-062
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132D-20-110	REP-P	89-07-070	132D-104-010	NEW NEW-P	89-11-023	132D-280-020	NEW-P	89-07-063
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132D-20-130	REP-P	89-07-070	132D-108-020	NEW-E	90-01-098	132D-280-040	NEW-P	89-07-063
132D-20-130	REP REP-P	89-11-025 89 05 012	132D-108-030 132D-108-040	NEW-E NEW-E	90-01-098 90-01-098	132D-280-040	NEW NEW-P	89–11–044 89–07–058
132D-20-140 132D-20-140	REP-W	89-05-046	132D-108-040 132D-108-050	NEW-E	90-01-098	132D-300-010 132D-300-010	NEW-P	89-07-038 89-11-038
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132D-20-170 132D-20-170	REP-P REP-W	89-05-012 89-05-046	132D-130-010 132D-130-020	NEW-E NEW-E	90-01-098 90-01-098	132D-350-030 132D-350-030	NEW-P NEW	89-07-064 89-11-026
132D-20-170	REP-P	89-07-070	132D-130-030	NEW-E	90-01-098	132D-350-040	NEW-P	89-07-064
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132D-20-190 132D-20-190	REP-P REP-W	89-05-012 89-05-046	132D-130-060 132D-130-070	NEW-E NEW-E	90-01-098 90-01-098	132F-120-090 132F-120-090	AMD AMD	89-14-025 89-15 - 000
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132D-20-200	REP	89-11-025	132D-130-100	NEW-E	90-01-098	1321-120-405	AMD	89-08-016
132D-20-210	REP-P	89-05-012	132D-133-020	NEW-E	90-01-098	1321-120-410	AMD-P	89-04-039
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132D-20-210 132D-20-210	REP	89-11-025	132D-140-030	NEW	89-06-012	1321-120-425	AMD	89-08-016
132D-20-220	REP-P	89-05-012	132D-140-040	NEW	89-06-012	1321-120-430	AMD-P	89-04-039
132D-20-220 132D-20-220	REP-W REP-P	89-05-046 89-07-070	132D-140-050 132D-140-060	NEW NEW	89-06-012 89-06-012	132I-120-430 132I-136-010	AMD REP-P	89-08-016 89-08-015
132D-20-220 132D-20-220	REP	89-11-025	132D-140-000 132D-140-070	NEW	89-06-012	1321-136-010	REP	89-11-091
132D-20-230	REP-P	89-05-012	132D-140-080	NEW	89-06-012	1321-136-020	REP-P	89-08-015
132D-20-230 132D-20-230	REP-W REP-P	89-05-046 89-07-070	132D-276-010 132D-276-010	NEW-P NEW	89-07-062 89-11-024	1321-136-020 1321-136-030	REP REPP	89-11-091 89-08-015
132D-20-230 132D-20-230	REP	89-11-025	132D-276-020	NEW-P	89-07-062	1321-136-030	REP	89-11-091
132D-20-240	REP-P	89-05-012	132D-276-020	NEW	89-11-024	1321-136-040	REP-P	89-08-015
132D-20-240	REP-W	89-05-046	132D-276-030	NEW-P	89-07-062	132I-136-040	REP	89-11-091

· WAC #		WSR #	WAC #		WSR #	WAC #		WSR #
1321-136-050	REP-P	89-08-015	132R-02-080	NEW-P	89-22-052	132R-144-010	AMD-P	89-22-054
1321-136-050	REP	89-11-091	132R-02-090	NEW-P	89-22-052	132R-150-010	AMD-P	89-22-054
1321-136-060	REP-P	89-08-015	132R-04-010	AMD-P	89-22-054	132R-150-020	AMD-P	89-22-054
1321-136-060	REP	89-11-091	132R-05-010	NEW-P	89-22-052	132R-156-010	REP-P REP-P	89-22-053
1321-136-070	REP-P	89-08-015	132R-08-010	REP-P REP-P	89-22-053 89-22-053	132R-156-020 132R-156-030	REP-P REP-P	89-22-053 89-22-053
132I-136-070 132I-136-080	REP REP-P	89-11-091 89-08-015	132R-08-020 132R-08-030	REP-P	89-22-053 89-22-053	132R-158-010	AMD-P	89-22-054
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1321-136-120	NEW-P NEW	89-08-015 89-11-091	132R-12-010 132R-17-010	AMD-P REP-P	89-22-054 89-22-053	132R-158-070 132R-158-080	REP-P REP-P	89-22-054 89-22-054
132I-136-120 132I-136-130	NEW-P	89-08-015	132R-17-010	REP-P	89-22-053	132R-158-090	REP-P	89-22-054
1321-136-130	NEW	89-11-091	132R-17-030	REP-P	89-22-053	132R-158-100	REP-P	89-22-054
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1321-136-170	NEW-P	89-08-015	132R-17-100	REP-P	89-22-053	132R-158-170	REP-P	89-22-054
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1321-400-020	NEW-E	90-01-080	132R-17-130	REP-P	89-22-053	132R-160-010	REP-P	89-22-053
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132L-133-020	NEW-P	89-24-093	132R-116-080	AMD-P	89-22-054	132R-195-010	REP-P	89-22-053
132L-280-010	NEW-P	89-24-092	132R-116-090	AMD-P	89-22-054	132R-200-010	AMD-P	89-22-054
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132L-280-060	NEW-P	89-24-092	132R-116-150	AMD-P	89-22-054	132T-104-060	REP-P	89-23-045
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132L-280-080 132L-280-090	NEW-P NEW-P	89-24-092 89-24-092	132R-116-170 132R-116-180	REP-P REP-P	89-22-054 89-22-054	132T-104-080 132T-104-090	REP-P	89-23-045 89-23-045
132L-280-100	NEW-P	89-24-092	132R-116-190	REP-P	89-22-054	132T-104-100	REP-P	89-23-045
132L-280-110	NEW-P	89-24-092	132R-116-200	REP-P	89-22-054	132T-104-110	REP-P	89-23-045
132L-280-120	NEW-P	89-24-092	132R-116-210	REP-P	89-22-054	132T-104-120	REP-P	89-23-045
132L-400-010	NEW-P	89-24-094	132R-116-220	REP-P	89-22-054	132T-104-121	REP-P	89-23-045
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132L-400-030 132L-400-040	NEW-P NEW-P	89-24-094 89-24-094	132R-116-240 132R-116-250	REP-P	89-22-054	132T-104-200	REP-P	89-23-045
132N-276-070	AMD-P	89-04-035	132R-116-260	REP-P	89-22-054	132T-104-240	REP-P	89-23-045
132N-276-070	AMD	89-12-024	132R-116-270	REP-P	89-22-054	132T-104-250	REP-P	89-23-045
132N-276-080	AMD-P	89-04-035	132R-116-280	REP-P	89-22-054	132T-104-260	REP-P	89-23-045
132N-276-080	AMD	89-12-024	132R-116-290	REP-P	89-22-054	132T-104-265	REP-P	89-23-045
132N-276-110 132N-276-110	AMD-P AMD	89-04-035 89-12-024	132R-118-010 132R-118-020	AMD-P AMD-P	89-22-054 89-22-054	132T-104-270 132T-104-280	REP-P REP-P	8923045 8923045
132N-276-110 132N-276-130	AMD-P	89-04-035	132R-118-020	AMD-P	89-22-054	132U-03-010	NEW-E	90-01-097
132N-276-130	AMD	89-12-024	132R-118-040	AMD-P	89-22-054	132U-03-020	NEW-E	90-01-097
132N-276-150	AMD-P	89-04-035	132R-118-050	AMD-P	89-22-054	132U-03-030	NEW-E	90-01-097
132N-276-150	AMD	89-12-024	132R-118-060	REP-P	89-22-054	132U-108-010	NEW-E	9001097
132Q-04-035	AMD-C	89-04-018	132R-130-010	REP-P	89-22-053 89-22-053	132U-108-020	NEW-E	90-01-097
132Q-04-035 132Q-04-035	AMD-C AMD	89–06–023 89–07–068	132R-132-010 132R-132-020	REP-P REP-P	89-22-053	132U-108-021 132U-108-030	NEW-E NEW-E	9001097 9001097
132R-01-010	NEW-P	89-22-052	132R-136-010	AMD-P	89-22-054	132U-116-030	AMD-E	90-01-097
132R-02-010	NEW-P	89-22-052	132R-136-020	AMD-P	89-22-054	132U-400-010	NEW-E	90-01-097
132R-02-020	NEW-P	89-22-052	132R-136-030	AMD-P	89-22-054	132V-15	NEW-C	89-17-005
132R-02-030	NEW-P	89-22-052	132R-136-040	AMD-P	89-22-054	132V-15-010	NEW-P	89-13-072
132R-02-040	NEW-P	89-22-052	132R-136-050	REP-P REP-P	89-22-054 89-22-053	132V-15-010 132V-15-020	NEW NEW-P	89-20-013 89-13-072
132R-02-050 132R-02-060	NEW-P NEW-P	89-22-052 89-22-052	132R-140-010 132R-140-020	REP-P	89-22-053 89-22-053	132V-15-020	NEW-P	89-13-072 89-20-013
132R-02-000 132R-02-070	NEW-P	89-22-052	132R-140-020	REP-P	89-22-053	132V-15-030	NEW-P	89-13-072
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WAC #		WSR #	WAC #		WSR #	WAC #		WSR #
132V-15-030	NEW	89-20-013	136-12-030	AMD-P	90-01-029	137-25-020	NEW-P	89-04-031
132V-15-040	NEW-P	89-13-072	136-12-060	AMD-P	90-01-029	137-25-020	NEW-E	89-06-010
132V-15-040	NEW	89-20-013	136-12-070	AMD-P	90-01-029	137-25-030 137-25-030	NEW-P	89-04-031
132V-15-050 132V-15-050	NEW-P NEW	89-13-072 89-20-013	136-12-080 136-14-010	AMD-P AMD-P	90-01-029 90-01-030	137-25-040	NEW-E NEW-P	89–06–010 89–04–031
132V-15-060	NEW-P	89-13-072	136-14-020	AMD-P	90-01-030	137-25-040	NEW-E	89-06-010
132V-15-060	NEW	89-20-013	136-14-030	AMD-P	90-01-030	137-28-006	AMD	89-04-032
132V-15-070	NEW-P	89-13-072	136-14-040	AMD-P	90-01-030	137-28-025	AMD	89-04-032
132V-15-070	NEW	89-20-013	136-14-050	AMD-P	90-01-030	137-28-030	AMD	89-04-032
132V-15-080 132V-15-080	NEW-P NEW	89-13-072 89-20-013	136-14-060 136-16-010	AMD-P AMD-P	90-01-030 90-01-031	137-28-035 137-28-080	AMD AMD	89–04–032 89–04–032
132V-15-080 132V-15-090	NEW-P	89-13-072	136-16-018	AMD-P	90-01-031	137-28-090	AMD	89-04-032
132V-15-090	NEW	89-20-013	136-16-022	AMD-P	90-01-031	137-28-094	NEW	89-04-032
132V-15-100	NEW-P	89-13-072	136-16-042	AMD-P	90-01-031	137-28-097	AMD	89-04-032
132V-15-100	NEW	89-20-013	136-16-050	AMD-P REP-P	90-01-031	137-28-107	NEW	89-04-032
132V-15-110 132V-15-110	NEW-P NEW	89-13-072 89-20-013	136-36-010 136-36-020	REP-P	90-01-032 90-01-032	137-36-020 137-36-030	AMD-E AMD-E	89-04-029 89-04-029
132V-15-110	NEW-P	89-13-072	136-36-030	REP-P	90-01-032	137-36-040	AMD-E	89-04-029
132V-15-120	NEW	89-20-013	136-36-040	REP-P	90-01-032	137-44-010	NEW-P	89-11-029
132Y-300-001	NEW	89-04-008	136-40-010	AMD-P	90-01-033	137-44-020	NEW-P	89-11-029
132Y-300-002	NEW NEW	89-04-008	136-40-020	AMD-P AMD-P	90-01-033	137-44-030	NEW-P NEW-P	89-11-029
132Y-300-003 132Y-300-004	NEW	89-04-008 89-04-008	136-40-030 136-40-040	AMD-P	90-01-033 90-01-033	137-44-040 137-44-050	NEW-P	89-11-029 89-11-029
132Y-310-010	NEW-P	89-08-023	136-40-040	REP-P	90-01-033	137-44-060	NEW-P	89-11-029
132Y-310-010	NEW	89-12-056	136-40-044	REP-P	90-01-033	13744070	NEW-P	89-11-029
132Y-310-020	NEW-P	89-08-023	136-40-048	REP-P	90-01-033	137-44-080	NEW-P	89-11-029
132Y-310-020 132Y-310-030	NEW NEW-P	89-12-056 89-08-023	136-40-050 136-40-052	NEW-P REPP	90-01-033 90-01-033	137-44-090 137-44-100	NEW-P NEW-P	89-11-029 89-11-029
132Y-310-030 132Y-310-030	NEW-P	89-12-056	136-40-060	NEW-P	90-01-033	137-44-110	NEW-P	89-11-029
132Y-310-040	NEW-P	89-08-023	136-40-100	REP-P	90-01-033	137-44-120	NEW-P	89-11-029
132Y-310-040	NEW	89-12-056	136-40-104	REP-P	90-01-033	137-44-130	NEW-P	89-11-029
132Y-320-010	NEW-P	89-08-022	136-40-108	REP-P	90-01-033	137-44-140	NEW-P	89-11-029
132Y-320-010 132Y-320-020	NEW NEW-P	89-12-057 89-08-022	136-40-112 136-40-116	REP-P REP-P	90-01-033 90-01-033	137-44-150 137-44-160	NEW-P NEW-P	89-11-029 89-11-029
132Y-320-020 132Y-320-020	NEW-F	89-12-057	136-40-120	REP-P	90-01-033	137-44-170	NEW-P	89-11-029
132Y-320-030	NEW-P	89-08-022	136-40-124	REP-P	90-01-033	137-44-180	NEW-P	89-11-029
132Y-320-030	NEW	89-12-057	136-40-128	REP-P	90-01-033	137-44-190	NEW-P	89-11-029
132Y-320-040	NEW-P	89-08-022	136-40-132	REP-P REP-P	90-01-033 90-01-033	137-44-200	NEW-P NEW-P	89-11-029 89-11-029
132Y-320-040 132Y-320-050	NEW NEW-P	89-12-057 89-08-022	136-40-136 136-40-140	REP-P	90-01-033	137-44-210 137-44-220	NEW-P	89-11-029 89-11-029
132Y-320-050	NEW	89-12-057	136-40-200	REP-P	90-01-033	137-44-230	NEW-P	89-11-029
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132Y-320-060	NEW	89-12-057	136-40-208	REP-P	90-01-033	137-44-250	NEW-P	89-11-029
132Y-320-070 132Y-320-070	NEW-P NEW	89-08-022 89-12-057	136-40-212 136-40-300	REP-P REP-P	90-01-033 90-01-033	137-44-260 137-56-010	NEW-P AMD-P	89-11-029 89-02-058
132Y-320-070	NEW-P	89-08-022	136-40-304	REP-P	90-01-033	137-56-010	AMD-C	89-07-083
132Y-320-080	NEW	89-12-057	136-40-308	REP-P	90-01-033	137-56-015	AMD-P	8902058
132Y-320-090	NEW-P	89-08-022	136-40-312	REP-P	90-01-033	137-56-015	AMD-C	89-07-083
132Y-320-090	NEW NEW-P	89-12-057 89-08-022	136-40-316 136-40-320	REP-P REP-P	90-01-033 90-01-033	137–56–030 137–56–030	AMD-P AMD-C	89-02-058 89-07-083
132Y-320-100 132Y-320-100	NEW-F	89-12-057	136-40-324	REP-P	90-01-033	137-56-040	AMD-P	89-02-058
132Y-320-110	NEW-P	89-08-022	136-40-400	REP-P	90-01-033	137-56-040	AMD-C	89-07-083
132Y-320-110	NEW	89-12-057	136-40-404	REP-P	90-01-033	137-56-050	AMD-P	89-02-058
132Y-320-120	NEW-P	89-08-022	136-40-408	REP-P REP-P	90-01-033 90-01-033	137–56–050 137–56–060	AMD-C AMD-P	89-07-083 89-02-058
132Y-320-120 132Y-320-130	NEW NEW-P	89-12-057 89-08-022	136-40-412 136-40-416	REP-P	90-01-033	137-56-060	AMD-C	89–02–038 89–07–083
132Y-320-130	NEW	89-12-057	136-40-500	REP-P	90-01-033	137–56–070	AMD-P	89-02-058
132Y-320-990	NEW-P	89-08-022	136-40-504	REP-P	90-01-033	137-56-070	AMD-C	89-07-083
132Y-320-990	NEW	89-12-057	136-40-508	REP-P	90-01-033	137-56-080	AMD-P	89-02-058
136-01-010	AMD-P AMD-P	90-01-026 90-01-026	136-40-512 136-40-600	REP-P REP-P	90-01-033 90-01-033	137-56-080 137-56-090	AMD-C AMD-P	89-07-083 89-02-058
136-01-030 136-01-040	REP-P	90-01-026	136-40-604	REP-P	90-01-033	137-56-090	AMD-C	89-07-083
136-01-010	AMD-P	90-01-027	136-40-608	REP-P	90-01-033	137-56-095	AMD-P	89-02-058
136-04-030	AMD-P	90-01-027	136-40-612	REP-P	90-01-033	137-56-095	AMD-C	89-07-083
136-04-040	AMD-P	90-01-027	136-40-616	REP-P	90-01-033	137-56-100	AMD-P	89–02–058 89–07–083
136-04-060 136-04-080	AMD-P AMD-P	90-01-027 90-01-027	136-40-620 136-40-624	REP-P REP-P	90-01-033 90-01-033	137–56–100 137–56–110	AMD-C AMD-P	89-07-083 89-02-058
136-04-080	AMD-P	90-01-027	136-40-700	REP-P	90-01-033	137-56-110	AMD-C	89-07-083
136-04-100	AMD-P	90-01-027	136-40-704	REP-P	9001033	137-56-120	AMD-P	89-02-058
136-10-010	AMD-P	90-01-028	136-40-708	REP-P	90-01-033	137-56-120	AMD-C	89-07-083
136-10-020	AMD-P	90-01-028 90-01-028	136-40-712 136-40-800	REP-P REP-P	90-01-033 90-01-033	137-56-140 137-56-140	AMD-P AMD-C	89–02–058 89–07–083
136-10-030 136-10-040	AMD-P AMD-P	90-01-028 90-01-028	136-40-804	REP-P	90-01-033	137-56-150	AMD-C	89-02-058
136-10-050	AMD-P	90-01-028	136-40-808	REP-P	90-01-033	137-56-150	AMD-C	89-07-083
136-10-060	AMD-P	90-01-028	136-40-812	REP-P	90-01-033	137-56-160	AMD-P	89-02-058
136-12-010	AMD-P	90-01-029	137-25-010	NEW-P	89-04-031	137-56-160	AMD-C	89-07-083
136-12-020	AMD-P	90-01-029	137-25-010	NEW-E	89–06–010	137–56–170	AMD-P	89-02-058

WAC #		WSR #	WAC #		WSR #	WAC #		WSR #
137-56-170	AMD-C	8907083	154-12-075	NEW-E	89-11-008	162-08-011	RE-AD-P	89-17-098
137-56-180	AMD-P	89-02-058	154-12-075	NEW	89-11-010	162-08-011	RE-AD	89-23-020
137-56-180	AMD-C	89-07-083	154-12-080	AMD-P	89-07-090	162-08-013	RE-AD-P	
137-56-190	AMD-P	89-02-058	154-12-080	AMD-E	89-11-008	162-08-013	RE-AD	89-23-020
137-56-190 137-56-200	AMD-C AMD-P	89-07-083 89-02-058	154-12-080 154-12-085	AMD NEW-P	89-11-010 89-07-090	162-08-015 162-08-015	RE-AD-P RE-AD	89-17-098 89-23-020
137-56-200	AMD-F AMD-C	89-07-083	154-12-085	NEW-F	89-11-008	162-08-017	RE-AD-P	89-23-020 89-17-098
137-56-210	AMD-P	89-02-058	154-12-085	NEW	89-11-010	162-08-017	RE-AD-I	89-23-020
137-56-210	AMD-C	89-07-083	154-12-086	NEW-P	89-07-090	162-08-019	RE-AD-P	89-17-098
137-56-220	AMD-P	89-02-058	154-12-086	NEW-E	89-11-008	16208019	RE-AD	89-23-020
137-56-220	AMD-C	89-07-083	154-12-086	NEW	89-11-010	162-08-021	RE-AD-P	89-17-098
137-56-230	AMD-P	89-02-058	154-12-087 154-12-087	NEW-P	89-07-090 89-11-008	162-08-021	RE-AD	89-23-020
137-56-230 137-56-240	AMD-C AMD-P	89-07-083 89-02-058	154-12-087	NEW-E NEW	89-11-008 89-11-010	162-08-041 162-08-041	RE-AD-P RE-AD	89-17-098 89-23-020
137-56-240	AMD-C	89-07-083	154-12-090	AMD-P	89-07-090	162-08-051	RE-AD-P	
137-56-250	AMD-P	89-02-058	154-12-090	AMD-E	89-11-008	162-08-051	RE-AD	89-23-020
137-56-250	AMD-C	89-07-083	154-12-090	AMD	89-11-010	162-08-061	RE-AD-P	
137-70-040	AMD-P	89-07-075	154-12-100	REP-P	89-07-090	162-08-061	RE-AD	89-23-020
137-70-040	AMD	89-12-003	154-12-100	REP-E	89-11-008	162-08-062	RE-AD-P	
137-78-010 137-78-010	NEW-P NEW	89-11-108 89-15-059	154-12-100 154-12-107	REP NEW-P	89-11-010 89-07-090	162-08-062 162-08-071	RE–AD RE–AD–P	89-23-020 89-17-098
137-78-020	NEW-P	89-11-108	154-12-107	NEW-E	89-11-008	162-08-071	RE-AD	89-23-020
137-78-020	NEW	89-15-059	154-12-107	NEW	89-11-010	162-08-072	RE-AD-P	
137-78-030	NEW-P	89-11-108	154-12-110	AMD-P	89-07-090	162-08-072	RE-AD	89-23-020
137-78-030	NEW	89-15-059	154-12-110	AMD-E	89-11-008	162-08-081	RE-AD-P	
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137–78–040 137–78–050	NEW NEW-P	89-15-059 89-11-108	154-16-010 154-16-010	REP-P REP-E	89-07-090 89-11-008	162-08-091 162-08-091	RE-AD-P RE-AD	89-17-098 89-23-020
137-78-050	NEW	89–15–059	154-16-010	REP-E	89-11-010	162-08-093		89-23-020 89-17-098
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137-78-060	NEW	89-15-059	154-16-020	REP-E	89-11-008	162-08-094	RE-AD-P	89-17-098
137-78-070	NEW-P	89-11-108	154-16-020	REP	89-11-010	162-08-094	RE-AD	89-23-020
137-78-070	NEW	89-15-059	154-20-010	REP-P	8907090 8911008	162-08-09501	NEW-P	89-17-098
139-05-200 139-05-200	AMD-P AMD-E	89-07-049 89-07-050	154-20-010 154-20-010	REP-E REP	89-11-008 89-11-010	162-08-09501 162-08-096	NEW RE-AD-P	89-23-020 89-17-098
139-05-200	AMD	89-13-024	154-20-020	REP-P	89-07-090	162-08-096	RE-AD-I	89-23-020
139-05-230	AMD-P	89-07-048	154-20-020	REP-E	89-11-008	162-08-097	NEW-P	89-17-098
139-05-230	AMD	89-13-023	15420020	REP	89-11-010	162-08-097	NEW	89-23-020
143-06-990	REP	89-05-007	154-24-010	AMD-P	89-07-090	162-08-098	RE-AD-P	
15404040 15404040	REP-P REP-E	89-07-090 89-11-008	154-24-010 154-24-010	AMD-E AMD	89-11-008 89-11-010	162-08-098 162-08-099	RE-AD RE-AD-P	89-23-020 89-17-098
154-04-040	REP	89-11-010	154-32-010	AMD-P	89-07-090	162-08-099	RE-AD-I	89-23-020
154-04-060	REP-P	89-07-090	154-32-010	AMD-E	89-11-008	162-08-101	RE-AD-P	
154-04-060	REP-E	89-11-008	154-32-010	AMD	89-11-010	162-08-101	RE-AD	89-23-020
154-04-060	REP	89-11-010	154-32-020	AMD-P	89-07-090	162-08-106	RE-AD-P	89-17-098
154-04-065 154-04-065	NEW-P NEW-E	89-07-090 89-11-008	154-32-020 154-32-020	AMD-E AMD	89-11-008 89-11-010	162-08-106 162-08-108	RE-AD REP-P	89-23-020 89-17-098
154-04-065	NEW	89-11-010	154-68-020	AMD-P	89-07-090	162-08-108	REP	89-23-020
154-04-090	REP-P	89-07-090	154-68-020	AMD-E	89-11-008	162-08-109		89-17-098
154-04-090	REP-E	89-11-008	154-68-020	AMD	89-11-010	162-08-109	RE-AD	89-23-020
154-04-090	REP	89-11-010	154-120-015	AMD-P	89-07-089	162-08-111	REP-P	89-17-098
154-12-010 154-12-010	AMD-P AMD-E	89-07-090 89-11-008	154-120-015 154-120-015	AMD-E AMD	89-11-009 89-11-011	162-08-111 162-08-114	REP REP-P	89-23-020 89-17-098
154-12-010	AMD-L AMD	89-11-010	154-130-020	AMD-P	89-15-061	162-08-114	REP	89-23-020
154-12-010	AMDP	89-16-100	154-130-020	AMD	89-20-022	162-08-116	REP-P	89-17-098
154-12-010	AMD	89-20-021	154-130-030	AMD-P	89-15-061	162-08-116	REP	89-23-020
154-12-015	AMD-P	89-16-100	154-130-030	AMD	89-20-022	162-08-121	REP-P	89-17-098
15412015 15412020	AMD AMD-P	89-20-021 89-07-090	154-140-030 154-140-030	AMD-P AMD	89-15-061 89-20-022	162-08-121 162-08-131	REP	89-23-020
154-12-020	AMD-E	89-11-008	162-04-010	AMD-P	89-20-022 89-17-115	162-08-131	REP-P REP	89-17-098 89-23-020
154-12-020	AMD	89-11-010	162-04-010	AMD	89-23-019	162-08-135	REP-P	89-17-098
154-12-030	AMD-P	89-07-090	162-04-020	AMD-P	89-17-115	162-08-135	REP	89-23-020
154-12-030	AMD-E	89-11-008	162-04-020	AMD	89-23-019	162-08-141	REP-P	89-17-098
154-12-030	AMD	89-11-010	162-04-026	AMD-P	89-17-115	162-08-141	REP	89-23-020
154-12-040 154-12-040	AMD-P AMD-E	89-07-090 89-11-008	162-04-026 162-04-030	AMD AMD-P	89-23-019 89-17-115	162-08-151	REP-P REP	89-17-098
154-12-040	AMD-E	89-11-008 89-11-010	162-04-030	AMD-P	89-23-019	162-08-151 162-08-155	REP-P	89-23-020 89-17-098
15412050	AMD-P	89-07-090	162-04-035	NEW-P	89-17-115	162-08-155	REP	89-23-020
154-12-050	AMD-E	89-11-008	162-04-035	NEW	89-23-019	162-08-161	REP-P	89-17-098
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154-12-070	AMD-P	89-07-090	162-04-060	AMD-P	89-17-115	162-08-190	RE-AD	89-23-020
154-12-070	AMD-E	89-11-008	16204060	AMD	89-23-019	162-08-201	RE-AD-P	89-17-098
154-12-070	AMD	89-11-010	162-04-070	AMD-P	89-17-115	162-08-201	RE-AD	89-23-020
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162-08-212	REP 89-23- REP-P 89-17-			90-01-094	173-50-200	NEW-P	89-04-052
162-08-215 162-08-215	REP 89-17-			89-08-012 89-08-035	173-50-200 173-50-210	NEW NEW-P	89-10-001 89-04-052
162-08-217	REP-P 89-17-		503 AMD-P	89-08-112	173-50-210	NEW	89-10-001
162-08-217	REP 89-23-	-020 173-19-2:	503 AMD-C	89-12-087	173-98-010	NEW-P	89-11-082
162-08-221	RE-AD-P 89-17-		503 AMD-C	89~16-028	173-98-010	NEW	89-18-019
162-08-221	RE-AD 89-23-			89-20-016	173-98-020	NEW-P	89-11-082
162-08-231 162-08-231	RE-AD-P 89-17- RE-AD 89-23-		505 AMD-P 505 AMD-W	89-09-076 89-14-128	173-98-020 173-98-030	NEW NEW-P	89-18-019 89-11-082
162-08-241	RE-AD-P 89-17-			89-22-136	173-98-030	NEW	89-18-019
162-08-241	RE-AD 89-23-	-020 173-19-2:	505 AMD-C	89-23-126	173-98-040	NEW-P	89-11-082
162-08-251	RE-AD-P 89-17-			9001093	173-98-040	NEW	89-18-019
162-08-251	RE-AD 89-23- NEW-P 89-17-			89-03-009	173-98-050	NEW-P	89-11-082
162-08-253 162-08-253	NEW 89-17-			8917153 8903011	173–98–050 173–98–060	NEW NEW-P	89-18-019 89-11-082
162-08-255	NEW-P 89-17-		519 AMD-P	89-09-075	173-98-060	NEW	89-18-019
162-08-255	NEW 89-23-	-020 173-19-2:	519 AMD-W		173-98-070	NEW-P	89-11-082
162-08-261	RE-AD-P 89-17-			89-21-086	173-98-070	NEW	89-18-019
162-08-261 162-08-263	RE-AD 89-23- NEW-P 89-17-			89-15-044 89-22-138	173-98-080 173-98-080	NEW-P NEW	89-11-082 89-18-019
162-08-263	NEW 89-23-			89-09-077	173-98-090	NEW-P	89-11-082
162-08-265	RE-AD-P 89-17-	-098 173-19-39	00 AMD	89-07-026	173-98-090	NEW	89-18-019
162-08-265	RE-AD 89-23-			89-08-114	173-98-100	NEW-P	89-11-082
162-08-268	RE-AD-P 89-17- RE-AD 89-23-			89-14-130	173-98-100	NEW	89-18-019
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162-08-271	RE-AD 89-23-			90-01-095	173-98-120	NEW-P	89-11-082
162-08-275	REP-P 89-17-	-098 173-19-4	501 AMD-P	89-08-113	173-98-120	NEW	89-18-019
162-08-275	REP 89-23-			89-14-129	173-158-030	AMD-C	89-05-003
162-08-278 162-08-278	REP-P 89-17- REP 89-23-			89-17-032 89-17-033	173-158-030 173-158-060	AMD AMD-C	89–07–022 89–05–003
162-08-282	RE-AD-P 89-17-	-098 17319-45	501 AMD-W		173-158-060	AMD-C	89-07-022
162-08-282	RE-AD 89-23-	-020 173-19-4:	501 AMD-P	89-17-155	173-160-215	AMD-E	89-03-046
162-08-284	REP-P 89-17-			89-22-137	173-160-215	AMD-P	89-12-058
162-08-284 162-08-286	REP 89-23- RE-AD-P 89-17-			89-23-127 89-03-010	173-160-215 173-201	AMD PREP	89-15-017 89-21-059
162-08-286	RE-AD-F 89-17-			9001096	173-201	NEW-P	89-21-039 89-04-051
162-08-288	RE-AD-P 89-17-	-098 173-20-70			173-216-125	NEW-W	89-09-015
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162-08-291 162-08-292	RE-AD 89-23- RE-AD-P 89-17-			89-10-001 89-04-052	173-223 173-223-015	AMD	89-12-016 89-05-026
162-08-292	RE-AD 89-23-		0 NEW	89-10-001	173-223-015	AMD-E	89-06-053
162-08-294	RE-AD-P 89-17-	-098 173-50-03	0 NEW-P	89-04-052	173-223-015	REP-P	89-07-088
162-08-294	RE-AD 89-23-			89-10-001	173-223-015	REP	89-12-027
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162-08-305	RE-AD-P 89-17-			89-04-052	173-223-040	REP-P	89-07-088
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162-08-311	RE-AD-P 89-17- RE-AD 89-23-			89-04-052	173-223-050	AMD	89-05-026 89-06-053
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162-08-621 162-08-621	REP-P 89-17- REP 89-23-			89-04-052 89-10-001	173–223–070 173–223–070	AMD AMD-E	89-05-026 89-06-053
162-08-700	RE-AD-P 89-17-			89-04-052	173-223-070	REP-P	89-07-088
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173-06-030 173-06-030	AMD-P 89-08-4 AMD-E 89-08-4			8910001 8904052	173–223–080 173–223–090	REP AMD	89-12-027 89-05-026
173-06-030	AMD 89-11-			89-10-001	173-223-090	AMD-E	89-06-053
173-18-090	AMD-P 89-23-	125 173-50-16	0 NEW-P	89-04-052	173-223-090	REP-P	89-07-088
173-18-090	AMD-E 89-24-			89-10-001	173-223-090	REP	89-12-027
173–18–200 173–18–200	AMD-P 89-23- AMD-E 89-24-			89-04-052 89-10-001	173–223–100 173–223–100	REP-P REP	89-07-088 89-12-027
173-18-200	AMD-E 89-24-4 AMD-W 89-03-4			89-04-052	173-223-100	REP-P	89-07-088
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173-303-040	AMD	89-02-059	173-314-320 173-314-330	NEW NEW	89–03–047 89–03–047	173–322–010 173–322–020	NEW-P NEW-P	90-01-079 90-01-079
173-303-045 173-303-070	AMD AMD	89-02-059 89-02-059	173-314-330	NEW	89-03-047	173-322-020	NEW-P	90-01-079
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173-303-200	AMD	89-02-059	173-315-010	AMD-P	90-01-124	173-322-080	NEW-P	90-01-079
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173-303-550	AMD	89-02-059	173-315-030	NEW-E	89-06-061	173-336-010	REP-P	89-20-059
173-303-610	AMD	89-02-059	173–315–030	NEW-P	89-11-087	173-336-020	REP-P	89–20–059
173-303-620	AMD	89-02-059	173-315-030	NEWE NEW	89-12-020 89-17-072	173–336–030 173–338–010	REP-P REP-P	89-20-059 89-20-059
173–303–640 173–303–645	AMD AMD	89-02-059 89-02-059	173–315–030 173–315–040	NEW-E	89-17-072 89-06-061	173-338-010	REP-P	89-20-059 89-20-059
173-303-805	AMD	89-02-059	173-315-040	NEW-P	89-11-087	173-338-020	REP-P	89-20-059
173–303–806	AMD	89-02-059	173-315-040	NEW-E	89-12-020	173-338-040	REP-P	89-20-059
173-303-830	AMD	89-02-059	173-315-040	NEW	89-17-072	173-338-050	REP-P	89-20-059
173-303-902	NEW-P	89-15-047	173-315-040	AMD-P	90-01-124	173-340	AMD-P	89-20-059
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173-306-470 173-306-480	NEW-P NEW-P	89-19-069 89-19-069	173–318–030 173–318–030	NEW-E NEW-P	89–09–005 89–12–065	173–340–430 173–340–500	NEW-P NEW-P	89-20-059 89-20-059
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173-306-9901	NEW-P	89-19-069	173-318-050	NEW-E	89-09-005	173-340-550	NEW-P	89–20–059
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173-342-020	NEW-P	89-20-060	173-403-080	AMD	89-02-055	173-410-087	AMD-P	89-23-128
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180-27-050	AMD-E	90-01-077	180-59-160	NEW	89-09-044	180-75-044	RE-AD-P 89-17-107
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180-27-115	AMD	90-01-076	180-75-017	RE-AD-E		180-75-047	RE-AD 89-22-010
180-27-400 180-27-400	NEW-P NEW	89-21-080 90-01-076	180-75-017 180-75-017	RE-AD-P RE-AD	89–17–107 89–22–010	180-75-048 180-75-048	RE-AD-E 89-16-076 RE-AD-P 89-17-107
180-27-405	NEW-P	89-21-080	180-75-018	RE-AD-E		180-75-048	RE-AD 89-22-010
180-27-405	NEW	90-01-076	180-75-018	RE-AD-P		180-75-050	RE-AD-E 89-16-076
180-27-410	NEW-P	89 21-080	180-75-018	REP-P	89-21-082	180-75-050	RE-AD-P 89-17-107
180-27-410	NEW	90-01-076	180-75-018	RE-AD	89-22-010	180-75-050	RE-AD 89-22-010
180-27-415 180-27-415	NEW-P NEW	89-21-080 90-01-076	180-75-019 18075-019	RE-AD-E RE-AD-P		180–75–055 180–75–055	RE-AD-E 89-16-076 RE-AD-P 89-17-107
180-27-413	NEW-P	89-21-080	180-75-019	REP-P	89-21-082	180-75-055	RE-AD 89-22-010
180-27-420	NEW	90-01-076	180-75-019	RE-AD	89-22-010	180-75-060	RE-AD-E 89-16-076
180-27-425	NEW-E	90-01-077	180-75-020	RE-AD-E		180-75-060	RE-AD-P 89-17-107
180-27-425 180-29-108	NEW-P AMD-E	90-01-135 89-16-042	180-75-020 180-75-020	RE-AD-P REPP	89-17-107 89-21-082	180-75-060 ·180-75-061	RE-AD 89-22-010 RE-AD-E 89-16-076
180-29-108	AMD-P	89-17-104	180-75-020	RE-AD	89-22-010	180-75-061	RE-AD-P 89-17-107
180-29-108	AMD	89-22-008	180-75-025	RE-AD-E		180-75-061	RE-AD 89-22-010
180-29-300	NEW-P	89-05-067	180-75-025	RE-AD-P		180-75-065	RE-AD-E 89-16-076
180-29-300	NEW-E	89-06-019	180-75-025	REP-P	89-21-082	180-75-065	RE-AD-P 89-17-107 RE-AD 89-22-010
180-29-300 180-29-300	NEW AMD-E	89-08-087 89-13-014	180-75-025 180-75-026	RE-AD	89-22-010 89-16-076	180-75-065 180-75-070	RE-AD 89-22-010 RE-AD-E 89-16-076
180-29-300	AMD-E	89–16–043	180-75-026	RE-AD-P		180-75-070	RE-AD-P 89-17-107
180-29-300	AMD-P	89-17-103	180-75-026	REP-P	89-21-082	180-75-070	RE-AD 89-22-010
180-29-300	AMD	89-22-009	180-75-026	RE-AD	89-22-010	180-75-080	RE-AD-E 89-16-076
180-29-300	REP-E	90-01-078	180-75-027		89-16-076	180-75-080	RE-AD-P 89-17-107
180-29-300 180-51-025	REPP AMDP	90-01-136 89-05-060	180-75-027 180-75-027	RE-AD-P REP-P	89–17–107 89–21–082	180-75-080 180-75-081	RE-AD 89-22-010 RE-AD-E 89-16-076
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180-51-025	AMD	89-12-061	180-75-030		89-16-076	180-75-081	AMD-P 89-21-082
180-53-025	AMD-P	89-21-081	180-75-030	RE-AD-P		180-75-081	RE-AD 89-22-010
180-53-025	AMD	90-01-138	180-75-030	REP-P	89-21-082	180-75-082	RE-AD-E 89-16-076
180-53-050 180-53-050	AMD-P AMD	89-21-081 90-01-138	180-75-030 180-75-033	AMD RE-AD-E	89–22–010 89–16–076	180-75-082 180-75-082	RE-AD-P 89-17-107 RE-AD 89-22-010
180-53-055	AMD-P	89-21-081	180-75-033	RE-AD-P		180-75-082	RE-AD-E 89-16-076
180-53-055	AMD	90-01-138	180-75-033	REP-P	89-21-082	180-75-083	RE-AD-P 89-17-107
180-59	NEW-C	89-05-061	180-75-033	RE-AD	89-22-010	180-75-083	RE-AD 89-22-010
180-59-005	NEW NEW	89-09-044 89-09-044	180-75-034		89-16-076	180-75-084	RE-AD-E 89-16-076 RE-AD-P 89-17-107
180-59-010 180-59-015	NEW	89-09-044 89-09-044	180-75-034 180-75-034	RE-AD-P REP-P	8917107 8921082	180-75-084 180-75-084	REP-P 89-21-082
180-59-020	NEW	89-09-044	180-75-034	RE-AD	89-22-010	180-75-084	RE-AD 89-22-010
180-59-025	NEW	89-09-044	180-75-035	RE-AD-E	89-16-076	180-75-085	AMD-P 89-08-082
180-59-030	NEW	89-09-044	180-75-035		89-17-107	180-75-085	AMD-E 89-08-084
180-59-032 180-59-035	NEW NEW	89-09-044 89-09-044	180-75-035 180-75-035	REP-P RE-AD	89-21-082 89-22-010	180-75-085 180-75-085	AMD 89-12-025 RE-AD-E 89-16-076
180-59-035 180-59-037	NEW	89-09-044 89-09-044	180-75-037		89-22-010 89-16-076	180-75-085	RE-AD-E 89-10-076 RE-AD-P 89-17-107
180-59-040	NEW	89-09-044	180-75-037	RE-AD-P		180-75-085	RE-AD 89-22-010
180-59-045	NEW	89-09-044	180-75-037	REP-P	89-21-082	180-75-086	RE-AD-E 89-16-076
180-59-047	NEW	89-09-044	180-75-037	RE-AD	89-22-010	180-75-086	RE-AD-P 89-17-107
180-59-050	NEW	89–09–044	180-75-038	KE-AD-E	89–16–076	180–75–086	REP-P 89-21-082

WAC #		WSR #	WAC #		WSR #	WAC #		WSR #
18075086	RE-AD	89-22-010	180-87-035	NEW-P	89-21-085	192-04-100	NEW	89-24-030
180-75-087	RE-AD-E		180-87-040	NEW-P	89-21-085	192-04-110	NEW-P	89-19-079
180-75-087	RE-AD-P	89-17-107	180-87-045	NEW-P NEW-P	89-21-085	192-04-110	NEW D	89-24-030 89-19-079
180-75-087	RE-AD RE-AD-E	89-22-010 89-16-076	180-87-050 180-87-055	NEW-P NEW-P	89-21-085 89-21-085	192-04-120 192-04-120	NEW-P NEW	89-19-079 89-24-030
180-75-088 180-75-088	RE-AD-E		180-87-060	NEW-P	89-21-085 89-21-085	192-04-120	NEW-P	89-19-079
180-75-088	RE-AD	89-22-010	180-87-065	NEW-P	89-21-085	192-04-130	NEW	89-24-030
180-75-090	RE-AD-E		180-87-070	NEW-P	89-21-085	192-04-140	NEW-P	89-19-079
180-75-090	RE-AD-P	89-17-107	180-87-080	NEW-P	89-21-085	192-04-140	NEW	89-24-030
180-75-090	RE-AD	89-22-010	180-87-085	NEW-P	89-21-085	192-04-150	NEW-P	89-19-079
180-75-091	RE-AD-E		180-87-090	NEW-P	89-21-085	192–04–150 192–04–160	NEW NEW-P	89-24-030 89-19-079
180-75-091 180-75-091	RE-AD-P RE-AD	89-17-107 89-22-010	180-87-095 180-115-010	NEW-P AMD-E	89-21-085 89-16-044	192-04-160	NEW	89-24-030
180-75-092	RE-AD-E		180-115-010	AMD-P	89-17-105	192-04-170	NEW-P	89-19-079
180-75-092	RE-AD-P	89-17-107	180-115-010	AMD	89-22-012	192-04-170	NEW	89-24-030
180-75-092	RE-AD	89-22-010	180-115-020	AMD-E	89-16-044	192-04-180	NEW-P	89-19-079
180-75-100	RE-AD-E		180-115-020 180-115-020	AMD-P AMD	89-17-105 89-22-012	192-04-180 192-04-190	NEW NEW-P	8924030 8919079
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180-75-199	RE-AD-E		180-115-035	AMD-P	89-17-105	192-04-200	NEW-P	89-19-079
180-75-199	RE-AD-P	89-17-107	180-115-035	AMD	89-22-012	192-04-200	NEW	89-24-030
180-75-199	REP-P	89-21-082	180-115-045	AMD-E	89-16-044	192-04-210	NEW-P	89-19-079
180-75-199	RE-AD	89-22-010	180-115-045	AMD-P	89-17-105 89-22-012	192-04-210 192-09-010	NEW REP-P	89-24-030 89-19-079
180-78-191 180-78-192	AMD-P REP-P	89-21-083 89-21-083	180-115-045 180-115-060	AMD AMD-E	89-22-012 89-16-044	192-09-010	REP-P	89-19-079
180-78-193	REP-P	89-21-083	180-115-060	AMD-P	89-17-105	192-09-020	REP-P	89-19-079
180-78-194	REP-P	89-21-083	180-115-060	AMD	89-22-012	192-09-020	REP	89-24-030
180-78-195	REP-P	89-21-083	180-115-070	REP-E	89-16-044	192-09-030	AMD	89-03-070
180-78-197	REP-P REP-P	89-21-083	180-115-070 180-115-070	REP-P REP	89-17-105 89-22-012	192-09-030 192-09-030	REP-P REP	89-19-079 89-24-030
180-78-198 180-78-199	REP-P	89-21-083 89-21-083	180-115-070	NEW-E	89-22-012 89-16-044	192-09-035	REP-P	89-17-086
180-79-063	AMD-P	89-17-106	180-115-081	NEW-P	89-17-105	192-09-035	REP-P	89-19-079
180-79-063	AMD	89-22-011	180-115-081	NEW	89-22-012	192-09-035	REP	89-20-064
180-79-230	AMD-P	89-08-081	180-115-085	AMD-E	89-16-044	192-09-035	REP REP-P	8924030 8917086
180-79-230 180-79-230	AMD-E AMD	89-08-083 89-12-026	180-115-085 180-115-085	AMD-P AMD	89–17–105 89–22–012	192-09-040 192-09-040	REP-P	89-17-086 89-19-079
180-75-250	NEW-P	89-21-084	180-115-090	AMD-E	89-16-044	192-09-040	REP	89-20-064
180-86-005	NEW-P	89-21-084	180-115-090	AMD-P	89-17-105	192-09-040	REP	89-24-030
180-86-010	NEW-P	89-21-084	180-115-090	AMD	89-22-012	192-09-050	REP-P	89-19-079
180-86-015 180-86-020	NEW-P NEW-P	89-21-084 89-21-084	180-115-105 180-115-105	AMD-E AMD-P	8916044 8917105	192-09-050 192-09-060	REP REP-P	89-24-030 89-19-079
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180-86-040	NEW-P	89-21-084	182-08-165	NEW	89-05-013	192-09-062	REP	89-24-030
180-86-050 180-86-055	NEW-P NEW-P	89-21-084 89-21-084	182-08-190 182-08-190	AMD-P AMD-W	89–08–005 89–09–053	192–09–063 192–09–063	AMD REP-P	89–03–070 89–19–079
180-86-065	NEW-P	89-21-084	182-12-115	AMD-W AMD-P	89-09-054	192-09-063	REP	89-24-030
180-86-070	NEW-P	89-21-084	182-12-115	AMD	89-12-045	192-09-065	REP-P	89-19-079
180-86-075	NEW-P	89-21-084	182-12-127	AMD-P	89-08-005	192-09-065	REP	89-24-030
180-86-085	NEW-P	89-21-084	182-12-127	AMD-W AMD-P	89-09-053 89-09-054	192–09–070 192–09–070	REP-P REP	89-19-079 89-24-030
180-86-090 180-86-095	NEW-P NEW-P	89-21-084 89-21-084	182-12-127 182-12-127	AMD-F	89-12-045	192-09-100	REP-P	89-19-079
180-86-100	NEW-P	89-21-084	182-12-140	REP-P	89-02-070	192-09-100	REP	89-24-030
180-86-105	NEW-P	89-21-084	182-12-140	REP	89-05-013	192-09-105	REP-P	89-19-079
180-86-110	NEW-P	89-21-084	182-12-210	AMD-P	89-08-005	192-09-105	REP	89-24-030
180–86–115 180–86–120	NEW-P NEW-P	89-21-084 89-21-084	182-12-210 182-12-210	AMD-W AMD-P	89-09-053 89-09-054	192-09-110 192-09-110	REP-P REP	89-19-079 89-24-030
180-86-130	NEW-P	89-21-084	182-12-210	AMD	89-12-045	192-09-115	REP-P	89-19-079
180-86-135	NEW-P	89-21-084	192-04-010	NEW-P	89-19-079	192-09-115	REP	89-24-030
180-86-140	NEW-P	89-21-084	192-04-010	NEW	89-24-030	192-09-120	REP-P	89-19-079
180-86-145 180-86-150	NEW-P NEW-P	89-21-084 89-21-084	192–04–020 192–04–020	NEW-P NEW	89-19-079 89-24-030	192-09-120 192-09-125	REP REP-P	89-24-030 89-19-079
180-86-155	NEW-P	89-21-084	192-04-020	NEW-P	89-19-079	192-09-125	REP	89-24-030
180-86-160	NEW-P	89-21-084	192-04-030	NEW	89-24-030	192-09-130	REP-P	89-19-079
180-86-165	NEW-P	89-21-084	192-04-040	NEW-P	89-17-086	192-09-130	REP	89-24-030
180–86–170 180–86–175	NEW-P NEW-P	89-21-084 89-21-084	192-04-040 192-04-050	NEW NEW-P	89-20-064 89-19-079	192–09–135 192–09–135	REP-P REP	89-19-079 89-24-030
180-86-180	NEW-P	89-21-084	192-04-050	NEW-F	89-24-030	192-09-140	REP-P	89-19-079
180-86-185	NEW-P	89-21-084	192-04-060	NEW-P	89-19-079	192-09-140	REP	89-24-030
180-87-001	NEW-P	89-21-085	192-04-060	NEW	89-24-030	192-09-145	REP-P	89-19-079
180-87-003 180-87-005	NEW-P NEW-P	89-21-085 89-21-085	192-04-070	NEW-P	89-19-079 89-24-030	192-09-145 192-09-150	REP REP-P	89-24-030 89-19-079
180-87-005 180-87-010	NEW-P	89-21-085 89-21-085	192-04-070 192-04-080	NEW NEW-P	89-24-030 89-19-079	192-09-150	REP-P	89-19-079 89-24-030
180-87-015	NEW-P	89-21-085	192-04-080	NEW	89-24-030	192-09-155	REP-P	89-19-079
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180-87-025	NEW-P	89-21-085	192-04-090	NEW D	89-24-030	192-09-160 192-09-160	REP-P REP	89-19-079
180-87-030	NEW-P	89-21-085	192–04–100	NEW-P	89–19–079	172-07-100	REF	89-24-030

WAC #		WSR #	WAC #		WSR #	WAC #		WSR #
192-09-165	REP-P	89-19-079	192-16-250	NEW-S	90-01-101	196–16–020	AMD	89-05-021
192-09-165	REP	89-24-030	192-16-300	NEW-P	89-17-085	196-16-031	AMD	89-05-021
192-09-170	REP-P	89-19-079	192-16-300	NEW-S	90-01-101	196-24-080	AMD	89-05-021
192-09-170	REP	89-24-030	192–16–305	NEW-P	89-17-085	196-24-085	AMD	89-05-021
192-09-200	REP-P	89-19-079	192-16-305	NEW-S	90-01-101	196-24-090	AMD-P	89-24-057 89-24-057
192-09-200	REP	89-24-030	192-16-310	NEW-P	89-17-085	196-24-092	NEW-P AMD-E	89-24-037 89-20-044
192-09-205	REP-P	89-19-079 89-24-030	192-16-310	NEW-S NEW-S	90-01-101 90-01-101	196-26-020 196-26-020	AMD-E AMD-P	89-24-015
192-09-205	REP REP-P	89-24-030 89-19-079	192-16-315 192-16-320	NEW-S NEW-S	90-01-101	196-27-020	AMD-P	89-24-057
192-09-210 192-09-210	REP-F	89-24-030	192-16-325	NEW-S	90-01-101	204-29-010	NEW-E	89-10-007
192-09-215	REP-P	89-19-079	192-16-330	NEW-S	90-01-101	204-29-010	NEW	89-10-016
192-09-215	REP	89-24-030	192-16-335	NEW-S	90-01-101	204-44-010	AMD-P	9001088
192-09-220	REP-P	89-19-079	192-16-340	NEW-S	90-01-101	204-44-030	AMD-P	90-01-088
192-09-220	REP	89-24-030	192-16-345	NEW-S	90-01-101	204-65-010	AMD-E	89-09-023
192-09-225	REP-P	89-19-079	192-28-135	NEW-P	89-12-084	204-65-010	AMD-P	89-09-024
192-09-225	REP	89-24-030	192-28-135	NEW	89-20-065	204-65-010 204-65-020	AMD AMD-E	89–12–018 89–09–023
192-09-230	REP-P	89-19-079	192-40-020	AMD-P AMD	89-19-079 89-24-030	204-65-020	AMD-E	89-09-024
192-09-230	REP REP-P	89-24-030 89-19-079	192-40-020 192-40-040	AMD-P	89-19-079	204-65-020	AMD	89-12-018
192-09-235 192-09-235	REP-P REP	89-19-079	192-40-040	AMD-I	89-24-030	204-65-030	AMD-E	89-09-023
192-09-233	REP-P	89-19-079	192-40-050	AMD-P	89-19-079	204-65-030	AMD-P	89-09-024
192-09-240	REP	89-24-030	192-40-050	AMD	89-24-030	20465030	AMD	89-12-018
192-09-300	REP-P	89-19-079	192-40-060	AMD-P	89-19-079	204-65-040	AMD-E	89-09-023
192-09-300	REP	89-24-030	192-40-060	AMD	89-24-030	204–65–040	AMD-P	89-09-024
192-09-305	REP-P	89-19-079	192-40-070	AMD-P	89-19-079	204-65-040	AMD E	89-12-018
192-09-305	REP	89-24-030	192-40-070	AMD	89-24-030	204-65-050	AMD-E AMD-P	89-09-023 89-09-024
192-09-310	REP-P	89-19-079	192-40-080 192-40-080	AMD-P AMD	8919079 8924030	204–65–050 204–65–050	AMD-P AMD	89–12–018
192-09-310	REP AMD	89–24–030 89–03–070	192-40-090	AMD-P	89-19-079	204-65-060	AMD-E	89-09-023
192-09-315 192-09-315	REP-P	89-19-079	192-40-090	AMD	89-24-030	204-65-060	AMD-P	89-09-024
192-09-315	REP	89-24-030	192-40-100	AMD-P	89-19-079	204-65-060	AMD	89-12-018
192-09-400	REP-P	89-19-079	192-40-100	AMD	89-24-030	204-76-99001	AMD-P	89-09-025
192-09-400	REP	89-24-030	192-42-010	AMD-P	89-17-121	204-76-99001	AMD	89-12-019
192-09-405	REP-P	89-19-079	192-42-010	AMD-C	89-22-064	204-76-99002	AMD-P	89-09-025 89-12-019
192-09-405	REP	89-24-030	192-42-010	AMD REP-P	9001014 8917121	204–76–99002 204–82–010	AMD REP-P	89-21-043
192-09-410	REP-P REP	8919079 8924030	192-42-020 192-42-020	REP-C	89-22-064	204-82-010	REP	89-24-023
192–09–410 192–09–415	REP-P	89-24-030 89-19-079	192-42-020	REP	90-01-014	204-82-020	REP-P	89-21-043
192-09-415	REP	89-24-030	192-42-021	NEW-P	89-17-121	204-82-020	REP	89-24-023
192-09-420	REP-P	89-19-079	192-42-021	NEW-C	89-22-064	204-82-030	REP-P	89-21-043
192-09-420	REP	89-24-030	192-42-021	NEW	90-01-014	204-82-030	REP	89-24-023
192-09-425	REP-P	89-19-079	192-42-030	AMD-P	89-17-121	204-82-040	REP-P REP	89-21-043 89-24-023
192-09-425	REP	89-24-030 89-19-079	192-42-030 192-42-030	AMD-C AMD	89-22-064 90-01-014	204-82-040 204-82-050	REP-P	89-21-043
192-09-430	REP-P	89-19-079 89-24-030	192-42-035	NEW-P	89-17-121	204-82-050	REP	89-24-023
192-09-430 192-09-435	REP REP-P	89-19-079	192-42-040	REP-P	89-17-121	204-82-060	REP-P	89-21-043
192-09-435	REP	89-24-030	192-42-040	REP-C	89-22-064	204-82-060	REP	89-24-023
192-09-440	REP-P	89-19-079	192-42-040	REP	90-01-014	204-82A-010	NEW-P	89-21-006
192-09-440	REP .	89-24-030	192-42-050	AMD-P	89-17-121	204-82A-010	NEW	89-24-023
192-09-445	REP-P	89-19-079	192-42-050	REP-C	89-22-064	204-82A-020	NEW-P NEW	89-21-006 89-24-023
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192-09-450	REP-P	89-19-079 89-24-030	192–42–055 192–42–056	NEW-P	89-22-064	204-82A-030 204-82A-030	NEW	89-24-023
192-09-450 192-09-455	REP REP-P	89-24-030 89-19-079	192-42-056	NEW	90-01-014	204-82A-040	NEW-P	89-21-006
192-09-455	REP	89-24-030	192-42-057	NEW-P	89-22-064	204-82A-040	NEW	89-24-023
192-09-460	REP-P	89-19-079	192-42-057	NEW	90-01-014	204-82A-050	NEW-P	89-21-006
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192-12-180	AMD	89-03-069	192-42-070	REP-P REP-C	89-17-121 89-22-064	204-88-030 204-91-010	REP-P	89-10-029
192-12-182	AMD	89-03-069 89-17-086	192–42–070 192–42–070	REP-C	90-01-014	204-91-010	REP	89-14-015
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192-12-330 192-12-340	NEW-P	89-17-086	194-18-020	NEW-P	89-11-083	204-91-060	REP	89-14-015
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192-12-355	NEW-P	90-01-102	194–18–030	NEW	89-15-013	204–91–080	REP-P	89-10-029
192-12-360	NEW-P	90-01-102	196-08-030	REP-P AMD	89–24–057 89–05–021	204–91–080 204–91–100	REP REP-P	89-14-015 89-10-029
192-12-365	NEW-P	90-01-102	196-16-007	ANID	07-07-021	204-71-100	17.L-1	07 10 027

WAC #		WSR #	WAC #		WSR #	WAC #		WSR #
204-91-100	REP	89-14-015	220-12-01000A	NEW-E	89-16-009	220–36–015	NEW-P	89-12-085
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204-91-110	REP	89-14-015	220-16-410	NEW	89-15-032	220-36-020	AMD-P	89-12-085
204-91-120	REP-P	89-10-029	220–16–410	AMD-P	89-23-114	220-36-020	AMD	89-16-056
204-91-120 204-91-130	REP REP-P	89-14-015 89-10-029	220–16–420 220–16–430	NEW-P NEW-P	89-23-114	220-36-021	AMD-P	89-12-085
204-91-130	REP	89-10-029 89-14-015	220-10-430	AMD-P	89-24-100 89-09-080	220–36–021 220–36–02100B	AMD NEW-E	89-16-056 89-14-049
204-91-140	REP-P	89-10-029	220-20-017	AMD-1	89-13-004	220-36-02100B	REP-E	89-14-049 89-15-033
204-91-140	REP	89-14-015	220-20-020	AMD-P	89-24-100	220-36-02100C	NEW-E	89–15–033
204-91-150	REP-P	89-10-029	220-20-055	AMD-P	8906033	220-36-02100C	REP-E	89-19-001
204-91-150	REP	89-14-015	220-20-055	AMD	89-09-052	220-36-02100D	NEW-E	89-19-001
204-91-160 204-91-160	REP-P	89-10-029	220-22-020	AMD-P	89-23-114	220-36-02100D	REP-E	89-19-023
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204-91-170	REP	89-14-015	220-24-02000D	NEW-E	89-09-073	220–36–02100E	NEW-E	89-19-050 89-19-050
204-91-180	REP-P	89-10-029	220-24-02000D	REP-E	89-12-086	220-36-02100F	REP-E	89-22-026
204-91-180	REP	89-14-015	220-24-02000E	NEW-E	89-12-086	220-36-02100G	NEW-E	89-22-026
204-91-190	REP-P	89-10-029	220-24-02000E	REP-E	89-13-022	220-36-02100G	REP-E	89-22-056
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204-91A-040	NEW-P	89-10-029	220-24-02000K	REP-E	89-19-012	220-40-020	AMD	89-16-056
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204-91A-060	AMD	89-21-044	220-32-05100S	REP-E	89-19-049	220-40-02100R	REP-E	89-22-042
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204-91A-070	AMD	89-21-044	220-32-05100U	REP-E	89-20-025	220-40-027	NEW-P	89-12-085
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204-91A-140	AMD-P	89-18-080	220-33-01000D	REP-E	89-07-021	220-47-311	AMD-P	89-09-080
204-91A-140	AMD	89-21-044	220-33-01000E	NEW-E	89-07-021	220-47-311	AMD	89-13-004
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204-91A-150 204-91A-160	NEW NEW-P	89-14-015 89-10-029	220–33–01000F	REP-E	89-17-044	220-47-312	AMD	89-13-004
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204-91A-170	NEW-P	89-10-029	220-33-01000H	NEW-E	89-17-053	220-47-401	AMD-P	89-13-004 89-09-080
204-91A-170	NEW	89-14-015	220-33-01000H	REP-E	89-18-039	220-47-401	AMD	89-13-004
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204-91A-180 204-91A-180	NEW AMD-P	89-14-015 89-18-080	220-33-010001	REP-E	89-20-004	220-47-411	AMD	89-13-004
204-91A-180	AMD-1	89-21-044	220-33-01000J 220-33-01000J	NEW-E REP-E	89-20-004 89-21-017	220–47–412 220–47–412	AMD-P AMD	89-09-080
212-17-140	AMD-P	89-13-019	220-33-01000S	NEW-E	89-21-017	220-47-412	AMD-P	89-13-004 89-09-080
212-17-140	AMD-E	89-13-020	220-33-01000K	REP-E	89-23-040	220-47-413	AMD	89-13-004
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212-17-195 212-17-195	AMD-P AMD-E	89–13–019 89–13–020	220-33-03000A	NEW-E	89-11-050	220-47-414	AMD	89-13-004
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220-12-010	AMD-P	89-10-068	220-33-03000B	REP-E	89-17-016	220-47-504	NEW-E	89-16-054 89-16-054
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WAC #		WSR #	<u>-</u>	WAC #		WSR #	_	WAC #		WSR #
220-47-505	NEW-E	89-17-015		220–55–015	AMD	89–07–071		220-56-13300A	NEW-E	89-08-074
220-47-505	REP-E	89-17-045		220-55-020	REP-P	89-03-013		220-56-156	AMD-P	89-10-060
220-47-506	NEW-E	89-17-045		220–55–020	REP	89-07-071		220-56-156	AMD-P	89-11-080 89-15-010
220-47-506	REP-E	89-17-082		220-55-025	REP-P REP	89-03-013 89-07-071		220–56–156 220–56–156	AMD-C AMD-C	89-17-018
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220-47-508	NEW-E	89-18-012		220–55–030	REP	89-07-071		220-56-175	AMD-P	89-03-013
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220-47-512	REP-E	89-18-094	•	220–55–060	AMD-P	89-03-013		220-56-190	AMD-P	89-03-075
220-47-513	NEW-E	89-18-094		220-55-060	AMD AMD-P	89-07-071 89-03-013		220–56–190 220–56–190	AMD-C AMD	89-07-059 89-07-060
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220-47-514 220-47-514	REP-E	89-19-039		220-55-07000A	NEW-E	89-03-014		220-56-19000J	REP-E	89-10-031
220-47-515	NEW-E	89-19-039		220-55-075	AMD-P	89-03-013		220-56-19000K	NEW-E	89-09-072
220-47-515	REP-E	89-20-009		220–55–075	AMD	89-07-071		220-56-19000K	REP-E	89-14-011
220-47-516	NEW-E	89-20-009		220-55-07500A	NEW-E	89-03-014		220-56-19000L	NEW-E REP-E	89-14-011 89-16-027
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220-47-518	NEW-E	89-21-014		220-55-08600A	NEW-E	89-03-014		220-56-19000N	NEW-E	89-16-027
220-47-518	REP-E	89-21-052	ı	220-55-08600B	NEW-E	89-12-047		220-56-19000N	REP-E	89-17-122
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220–47–520 220–47–520	REP-E	89-22-001		220-55-09000A	NEW-E	89-03-014		220-56-19000Q	REP-E	89-20-034
220-47-521	NEW-E	89-22-003		220-55-105	AMD-P	89-03-013		220-56-195	AMD-P	89-03-075
220-47-521	REP-E	89-22-043		220-55-105	AMD	89-07-071		220-56-195	AMD-C	89-07-059
220-47-522	NEW-E	89-22-043		220-55-110	AMD-P AMD	89-03-013 89-07-071		220–56–195 220–56–196	AMD AMD-P	89-07-060 89-03-075
220-47-522 220-47-523	REP-E NEW-E	89-23-011 89-23-011		220-55-110 220-55-11000A	NEW-E	89-03-014		220-56-196	AMD-C	89-07-059
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220-47-524	REP-E	89-23-072		220-55-11500A	NEW-E	89-03-014 89-03-013		220–56–235 220–56–235	AMD-P AMD-C	89–03–075 89–07–059
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220-47-526	NEW-E	89-23-086		220-55-12000A	NEW-E	89-03-014		220-56-23500E	NEW-E	89-08-074
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220-47-528 220-48-015	AMD-P	89-10-068		220-55-130	AMD	89-07-071	1	220-56-24000F	NEW-E	89-15-020
220-48-015	AMD	89-14-010		220-55-13000A	NEW-E	89-03-014		220-56-245	AMD-P	89-03-075
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220-57-181 220-57-181	AMD-P AMD-C	89-03-075 89-07-059	220–57–327 220–57–327	AMD-C AMD	89-07-059 89-07-060	220–57–470 220–57–470	AMD-P	89-03-075
220-37-101	AMD-C	07-01-027	1 220-31-321	AND	37-07-000	1 220-31-410	AMD-C	89-07-059

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220-57-490									
220-57-490								AMD-P	
220-57-500 AMD—C 89-0-050 230-02-160 AMD—C 89-0-061 230-02-160 AMD—C 89-0-06		AMD			NEW				
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WAC #	·····	WSR #	WAC #		WSR #	WAC #		WSR #
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230–20–699 230–20–699	AMD-P AMD	89-13-057 89-17-056	230-50-200	PREP	89–13–037 89–17–136	230–50–510		89-15-037
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230-25-160	AMD-P	89-11-046	230-50-200	AMD	89-24-003	230-50-550	PREP	89-17-136
230-25-160	AMD	89-15-039	230-50-210	RE-AD-E	89-15-037	230-50-550	AMD-P	89-19-084
230-30-030	AMD-P	89-17-081	230-50-210	PREP	89-17-136	230-50-550	AMD-E	89-21-068
230-30-030	AMD	89-21-069	230-50-210	AMD-P	89-19-084	230-50-550	AMD	89-24-003
230–30–070 230–30–070	AMD-P AMD	89-13-057 89-17-056	230-50-210 230-50-210	AMD-E AMD	89-21-068 89-24-003	230–50–560 230–50–560	NEW-P NEW-E	89-19-084 89-21-068
230-30-070	AMD-P	89-24-001	230-30-210	RE-AD-E	89-15-037	230-50-560	NEW-E	89-24-003
230–30–072	AMD-P	89-17-081	230-50-220	PREP	89-17-136	230-50-570	NEW-P	89-19-084
230-30-072	AMD	89-21-069	230-50-220	REP-P	89-19-084	230-50-570	NEW-E	89-21-068
230-30-106	AMD-P	89-07-053	230-50-220	REP	89-24-003	230-50-570	NEW	89-24-003
230-30-106	AMD	89-11-048	230–50–225	PREP	89-17-136	230-50-580	NEW-P	89-19-084
230-40-010	AMD-P	89-24-001	230-50-225	NEW-P	89-19-084	230-50-580	NEW-E	89-21-068
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230-40-120	AMD-P	89-11-046	230-50-230	PREP	89-17-136	230-50-600	REP-P	89-19-084
230-40-120	AMD	89–15–039	230-50-230	AMD-P	89-19-084	230-50-600	REP	89-24-003
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230-50-010	RE-AD-E	89-15-037	230-50-240	RE-AD-E	89-15-037	230–50–610	AMD-E	89-21-068
230–50–010	PREP	89-17-136	230–50–240	PREP	89-17-136 89-19-084	230–50–610	AMD RE-AD-E	89-24-003 89-15-037
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230-50-010	AMD-E	89-24-003	230-50-250	RE-AD-E	89-15-037	230-50-620	REP-P	89-19-084
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230–50–020 230–50–020	PREP	89–17–136	230-30-260	REP	89-24-003	230-50-650		89-15-037
230-50-020	AMD-P	89-19-084	230-50-270	RE-AD-E		230-50-660		89-15-037
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230-50-020	AMD	89-24-003	230-50-270	REP-P	89-19-084	230-50-680		89-15-037
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230-50-030	PREP	89-17-136	230–50–280	RE-AD-E	89-15-037 89-17-136	230–50–750 230–50–760		89-15-037 89-15-037
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230–50–060	RE-AD-E	89-15-037	230-50-290	RE-AD-E		230-50-800	AMD-E	89-21-068
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230-50-060 230-50-070	AMD DE AD-E	89-24-003 89-15-037	230–50–300 230–50–300	PREP	89-17-136	230-50-810 230-50-810	REP-F	89-24-003
230-50-070	PREP	89-17-136	230–50–300	AMD-P	89-19-084	230-50-820	RE-AD-E	
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230–50–090		89-15-037	230-50-320	RE-AD-E		230-50-830		89-15-037
230-50-100 230-50-110		89-15-037 89-15-037	230–50–330 230–50–330	RE-AD-E PREP	89-15-037 89-17-136	230–50–830 230–50–830	PREP REP-P	89-17-136 89-19-084
230-50-110		89–15–037 89–15–037	230–30–330	AMD-P	89-19-084	230-50-830	REP-F	89-24-003
230-50-140	PREP	89-17-136	230–50–330	AMD-E	89-21-068	230-50-850	RE-AD-E	
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230-50-140	REP	89-24-003	230-50-340	RE-AD-E		230-50-850	AMD-E	89-21-068
230-50-150	RE-AD-E		230-50-350	RE-AD-E		230-50-850	AMD	89-24-003
230-50-150	PREP	89-17-136	230–50–360	RE-AD-E		230–50–950	RE-AD-E	
230-50-150 230-50-150	AMD-P AMD-E	89-19-084 89-21-068	230–50–370 230–50–380	RE-AD-E RE-AD-E		230–50–950 230–50–950	PREP REP-P	89-17-136 89-19-084
230-50-150	AMD-E	89-24-003	230-50-390	RE-AD-E		230–30–930	REP-F	89-24-003
230–50–160	RE-AD-E		230–50–390	PREP	89-17-136	230-60-010	AMD-P	89-21-067
230-50-160	PREP	89-17-136	230-50-390	AMD-P	89-19-084	230-60-015	REP-P	89-19-084
230-50-160	AMD-P	89-19-084	230-50-390	AMD-E	89-21-068	230-60-015	REP	89-23-003
230–50–160	AMD-E	89-21-068	230–50–390	AMD	89-24-003	230-60-020	REP-P	89-22-049
230-50-160	AMD RE-AD-E	89-24-003 89-15-037	230-50-400	RE-AD-E	89-15-037 89-15-037	230–60–025 230–60–100	AMD-P NEW-P	89-21-067 89-24-001
230–50–170	NE-AU-E	07-13-03/	230–50–410	KE-AD-E	07-13-03/	1 230-00-100	IAP AA - L	07-2 4- 001

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232-02-100	NEW-P	89-14-127	232-28-110	REP	89-11-063	232-28-61728	NEW-E	89–23–066
232-02-100	NEW-W	89-24-010	232-28-20401	REP-P	89-14-108	232-28-61728	NEW-P	89-23-112
232-02-120 232-02-120	NEW-P NEW-W	89-14-127 89-24-010	232–28–20401 232–28–206	REP-W REP-P	89-24-006 89-14-108	232-28-61729 232-28-618	NEW-P NEW-P	89-23-113 89-17-151
232-02-120	NEW-P	89-14-127	232-28-206	REP-W	89-24-006	232-28-618	NEW	90-01-068
232-02-140	NEW-W	89-24-010	232-28-209	REP-P	89-14-108	232-28-61801	NEW-E	89-19-035
232-12-001	AMD-P	89-06-080	232-28-209	REP-W	89-24-006	232-28-710	REP	89-06-002
232-12-001 232-12-001	AMD RE-AD-P	89-10-026 89-14-107	232-28-21201 232-28-21201	REP-P REP-W	89-14-108 89-24-006	232-28-712 232-28-712	NEW REP-P	89-06-002 89-24-083
232-12-001	RE-AD-F		232-28-217	REP-P	89-08-108	232-28-712	NEW-P	89-24-083
232-12-011	AMD-P	89-08-102	232-28-217	REP	89-11-063	232-28-810	REP-P	89-06-083
232-12-011	AMD	89-11-061	232-28-218	NEW-P	89-08-108	232-28-810	REP-C	89-09-059
232-12-011 232-12-017	AMD-P AMD-P	89-24-080 89-17-141	232-28-218 232-28-21810	NEW NEW-P	89-13-029 89-22-135	232–28–810 232–28–811	REP NEW-P	89-11-064 89-06-083
232-12-017	AMD-P	89-14-111	232-28-21810	NEW	89-24-084	232-28-811	NEW	89-12-041
232-12-024	AMD	89-18-015	232-28-404	REP-P	89-14-108	236-22-010	NEW-P	89-13-076
232-12-025	AMD-P	89-14-105	232-28-404	REP-W	89-24-006	236-22-020	NEW-P NEW-P	89-13-076
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232-12-054	AMD-P	89-24-081	232-28-413	NEW	89-18-040	236-48	AMD	89-17-094
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232-12-187 232-12-187	RE-AD-E		232-28-61521	NEW-E	89-04-007	236-48-013	AMD-F AMD	89-17-094
232-12-187	RE-AD-C	89-17-147	232-28-61610	REP-P	89-14-108	236-48-021	AMD-P	89-14-013
232-12-191	AMD-P AMD-C	89-14-115 89-17-148	232–28–61610 232–28–617	REP-W REP-P	89-24-006 89-17-150	236-48-021 236-48-023	AMD AMD-P	89-17-094 89-14-013
232-12-191 232-12-194	REP-P	89-14-110	232-28-617	REP-F	90-01-066	236-48-023	AMD-F AMD	89-14-013 89-17-094
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232-12-197	REP-P	89-14-110	232-28-61703	REP	89-11-051	236-48-024	AMD AMD-P	89-17-094 89-14-013
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232-12-221 232-12-251	REP-W RE-AD-E	89-24-008 89-13-085	232–28–61713 232–28–61713	REP-P REP	89-17-150 90-01-066	236-48-035 236-48-035	AMD-P AMD	89-14-013 89-17-094
232-12-251		89-14-113	232-28-61715	NEW-E	89-04-009	236-48-036	NEW-P	89-14-013
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232-12-267 232-12-271	AMD AMD–W	89-14-018 89-04-034	232–28–61718 232–28–61719	NEW-E NEW-E	89-04-010 89-05-002	236-48-071 236-48-079	AMD AMD-P	89-17-094 89-14-013
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232-12-618	NEW DED D	90-01-067 89-14-127	232–28–61721 232–28–61721	REP-P REP	89-17-150 90-01-066	236-48-083 236-48-084	AMD AMD-P	89-17-094 89-14-013
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232-12-827	REP-P	89-14-112	232-28-61723	NEW-E	89-17-054	236-48-095	AMD-P	89-14-013
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232-12-829	NEW	89-11-073	232-28-61727	NEW-E	89-11-052	236-48-098	AMD-P	89-14-013
232-28-110	REP-P	89-08-108	232–28–61727	REP-E	89–16–020	236-48-098	AMD	89–17–094

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236-48-101	AMD-P	89-14-013	248-08-010	REP-E	89-14-096	248-08-250	REP-P	89-22-103
236-48-101	AMD AMD-P	89-17-094	248-08-010 248-08-010	REP-E REP-P	89-22-092 89-22-103	248-08-260 248-08-260	REP-E REP-E	89-14-096 89-22-092
236-48-111 236-48-111	AMD-P AMD	89-14-013 89-17-094	248-08-020	REP-E	89-14-096	248-08-260	REP-P	89-22-103
236-48-121	AMD-P	89-14-013	248-08-020	REP-E	89-22-092	248-08-270	REP-E	89-14-096
236-48-121	AMD	89-17-094	248-08-020	REP-P	89-22-103	248-08-270	REP-E	89-22-092
236-48-122	AMD-P	89-14-013	248-08-030	REP-E	89-14-096	248-08-270	REP-P	89-22-103
236-48-122	AMD	89-17-094	248-08-030	REP-E	89-22-092	248-08-280	REP-E	89-14-096
236-48-123	AMD-P	89-14-013	248-08-030	REP-P	89-22-103	248-08-280	REP-E REP-P	89-22-092 89-22-103
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236-48-124	AMD	89-17-094	248-08-040	REP-P	89-22-103	248-08-290	REP-E	89-22-092
236-48-131	AMD-P	89-14-013	248-08-050	REP-E	89-14-096	248-08-290	REP-P	89-22-103
236-48-131	AMD	89-17-094	248-08-050	REP-E	89-22-092	248-08-300	REP-E	89-14-096
236-48-141	AMD-P	89-14-013	248-08-050	REP-P	89-22-103	248-08-300	REP-E	89-22-092
236-48-141	AMD	89-17-094	248-08-060	REP-E REP-E	89-14-096 89-22-092	248-08-300 248-08-310	REP-P REP-E	89-22-103 89-14-096
236-48-142 236-48-142	AMD-P AMD	89-14-013 89-17-094	248-08-060 248-08-060	REP-E	89-22-103	248-08-310	REP-E	89-22-092
236-48-143	AMD-P	89-14-013	248-08-070	REP-E	89-14-096	248-08-310	REP-P	89-22-103
236-48-143	AMD	89-17-094	248-08-070	REP-E	89-22-092	248-08-320	REP-E	89-14-096
236-48-151	AMD-P	89-14-013	248-08-070	REP-P	89-22-103	248-08-320	REP-E	89-22-092
236-48-151	AMD	89-17-094	248-08-075	REP-E REP-E	89-14-096 89-22-092	248-08-320 248-08-330	REP-P REP-E	89-22-103 89-14-096
236-48-152 236-48-152	AMD-P AMD	89-14-013 89-17-094	248-08-075 248-08-075	REP-E REP-P	89-22-092 89-22-103	248-08-330	REP-E	89-22-092
236-48-153	AMD-P	89-14-013	248-08-080	REP-E	89-14-096	248-08-330	REP-P	89-22-103
236-48-153	AMD	89-17-094	248-08-080	REP-E	89-22-092	248-08-340	REP-E	89-14-096
236-48-155	AMD-P	89-14-013	248-08-080	REP-P	89-22-103	248-08-340	REP-E	89-22-092
236-48-155	AMD	89-17-094	248-08-090	REP-E	89-14-096	248-08-340	REP-P	89-22-103
236-48-161 236-48-161	REP-P REP	89-14-013 89-17-094	248-08-090 248-08-090	REP–E REP–P	89-22-092 89-22-103	248-08-350 248-08-350	REP-É REP-E	89-14-096 89-22-092
236-48-162	AMD-P	89-14-013	248-08-100	REP-E	89-14-096	248-08-350	REP-P	89-22-103
236-48-162	AMD	89-17-094	248-08-100	REP-E	89-22-092	248-08-360	REP-E	89-14-096
236-48-163	AMD-P	89-14-013	248-08-100	REP-P	89-22-103	248-08-360	REP-E	89-22-092
236-48-163	AMD	89-17-094	248-08-110	REP-E REP-E	89-14-096	248-08-360	REP-P REP-E	89-22-103 89-14-096
236–48–164 236–48–164	AMD-P AMD	89-14-013 89-17-094	248-08-110 248-08-110	REP-E	89-22-092 89-22-103	248–08–370 248–08–370	REP-E	89-22-092
236-48-165	AMD-P	89-14-013	248-08-120	REP-E	89-14-096	248-08-370	REP-P	89-22-103
236-48-165	AMD	89-17-094	248-08-120	REP-E	89-22-092	248-08-380	REP-E	89-14096
236-48-166	AMD-P	89-14-013	248-08-120	REP-P	89-22-103	248-08-380	REP-E	89-22-092
236–48–166 236–48–167	AMD AMD-P	89-17-094 89-14-013	248-08-130 248-08-130	REP-E REP-E	89-14-096 89-22-092	248-08-380 248-08-390	RÉP-P REP-E	89-22-103 89-14-096
236-48-167	AMD	89-17-094	248-08-130	REP-P	89-22-103	248-08-390	REP-E	89-22-092
236-48-1901	NEW-P	89-13-030	248-08-140	REP-E	89-14-096	248-08-390	REP-P	89-22-103
236-48-1901	NEW	89-18-004	248-08-140	REP-E	89-22-092	248-08-400	REP-E	89-14-096
236-48-230	AMD-P	89-14-013	248-08-140	REP-P REP-E	89-22-103 89-14-096	248-08-400 248-08-400	REP-E REP-P	89-22-092 89-22-103
236-48-230 236-48-240	AMD AMD-P	89-17-094 89-14-013	248-08-150 248-08-150	REP-E	89-22-092	248-08-410	AMD-E	89-14-096
236-48-240	AMD	89-17-094	248-08-150	REP-P	89-22-103	248-08-410	AMD-E	89-22-092
236-48-250	AMD-P	89-14-013	248-08-160	REP-E	8914096	248-08-410	AMD-P	89-22-103
236-48-250	AMD	89-17-094	248-08-160	REP-E	89-22-092	248-08-413	NEW-E	89-14-096
236-48-251 236-48-251	AMD-P AMD	89-14-013 89-17-094	248-08-160 248-08-170	REP-P REP-E	89-22-103 89-14-096	248-08-413 248-08-413	NEW-E NEW-P	89-22-092 89-22-103
236-48-252	AMD-P	89-14-013	248-08-170	REP-E	89-22-092	248-08-420	REP-E	89-14-096
236-48-252	AMD	89-17-094	248-08-170	REP-P	89-22-103	248-08-420	REP-E	89-22-092
236-49-001	AMD-P	89-14-013	248-08-180	REP-E	89-14-096	248-08-420	REP-P	89-22-103
236-49-001	AMD	89-17-094	248-08-180	REP-E	89-22-092	248-08-425	NEW-E	89-14-096
236-49-010 236-49-010	AMD-P AMD	89-14-013 89-17-094	248-08-180 248-08-190	REP-P REP-E	89-22-103 89-14-096	248–08–425 248–08–425	NEW-E NEW-P	89-22-092 89-22-103
236-49-020	AMD-P	89-14-013	248-08-190	REP-E	89-22-092	248-08-428	NEW-E	89-22-092
236-49-020	AMD	89-17-094	248-08-190	REP-P	89-22-103	248-08-428	NEW-P	89-22-103
236-49-030	AMD-P	89-14-013	248-08-200	REP-E	89-14-096	248-08-430	REP-E	89-14-096
236-49-030	AMD AMD–P	89-17-094	248-08-200 248-08-200	REP–E REP–P	89-22-092 89-22-103	248-08-430 248-08-430	REP-E REP-P	89-22-092 89-22-103
236-49-040 236-49-040	AMD-F AMD	89-14-013 89-17-094	248-08-210	REP-E	89-14-096	248-08-431	NEW-E	89-14-096
236-49-060	AMD-P	89-14-013	248-08-210	REP-E	89-22-092	248-08-431	NEW-E	89-22-092
236-49-060	AMD	89-17-094	248-08-210	REP-P	89-22-103	248-08-431	NEW-P	89-22-103
236-49-061	AMD-P	89-14-013	248-08-220	REP-E	89-14-096	248-08-434	NEW-E	89-14-096
236-49-061 236-80-010	AMD NEW-P	89-17-094 89-08-033	248-08-220 248-08-220	REP-E REP-P	89-22-092 89-22-103	248-08-434 248-08-434	NEW-E NEW-P	89-22-092 89-22-103
236-80-020	NEW-P	89-08-033	248-08-230	REP-E	89-14-096	248-08-437	NEW-E	89-14-096
236-80-030	NEW-P	89-08-033	248-08-230	REP-E	89-22-092	248-08-437	NEW-E	89-22-092
248-06-385	AMD-E	89-14-095	248-08-230	REP-P	89-22-103	248-08-437	NEW-P	89-22-103
248-06-385 248-06-385	AMD-E AMD-P	89-22-091 89-22-107	248-08-240 248-08-240	REP-E REP-E	89-14-096 89-22-092	248-08-440 248-08-440	AMD-E AMD-E	89-14-096 89-22-092
248-08-001	REP-E	89-14-096	248-08-240	REP-P	89-22-103	248-08-440	AMD-P	89-22-103

WAC #		WSR #	WAC #		WSR #	WAC #		WSR #
248-08-446	NEW-E	89–14–096	248-08-590	REP-P	89-22-103	248-08-830	REP-E	89-14-096
248-08-446	NEW-E	89-22-092	248-08-596	REP-E	89-14-096	248-08-830	REP-E	89-22-092
248-08-446 248-08-449	NEW-P NEW-E	89-22-103 89-14 - 096	248-08-596 248-08-596	RE-AD-E AMD-P	89-17-008 89-17-123	248-08-830 248-08-835	REP-P REP-E	89-22-103 89-14-096
248-08-449	NEW-E	89-22-092	248-08-596	AMD-P	90-01-134	248-08-835	REP-E	89-14-096 89-22-092
248-08-449	NEW-P	89-22-103	248-08-700	REP-E	89-14-096	248-08-835	REP-P	89-22-103
248-08-450	REP-E	89-14-096	248-08-700	REP-E	89-22-092	248-08-840	REP-E	89-14-096
248-08-450	REP-E	89-22-092	248-08-700	REP-P	89-22-103	248-08-840	REP-E	89-22-092
248-08-450	REP-P	89-22-103	248-08-705	REP-E	89-14-096	248-08-840	REP-P	89-22-103
248-08-452	NEW-E NEW-E	89-14-096 89-22-092	248-08-705 248-08-705	REP-E	89-22-092	248-08-845	REP-E	89-14-096
248-08-452 248-08-452	NEW-E	89-22-103	248-08-710	REP-P REP-E	89-22-103 89-14-096	248-08-845 248-08-845	REP-E REP-P	89-22-092 89-22-103
248-08-460	REP-E	89-14-096	248-08-710	REP-E	89-22-092	248-14-001	AMD-P	89-04-054
248-08-460	REP-E	89-22-092	248-08-710	REP-P	89-22-103	248-14-001	AMD	89-08-054
248-08-460	REP-P	89-22-103	248-08-715	REP-E	89-14-096	248-14-001	AMD-P	89-17-129
248-08-461	NEW-E	89-14-096	248-08-715	REP-E	89-22-092	248-14-001	AMD	89-21-049
248-08-461 248-08-461	NEW-E NEW-P	89-22-092 89-22-103	248-08-715 248-08-720	REP-P REP-E	89-22-103 89-14-096	248-14-010 248-14-010	AMD-P AMD	89-15-051 89-18-006
248-08-464	NEW-E	89-14-096	248-08-720	REP-E	89-22-092	248-14-070	AMD-E	89-14-098
248-08-464	NEW-E	8922092	248-08-720	REP-P	89-22-103	248-14-070	AMD-P	89-22-075
248-08-464	NEW-P	89-22-103	248-08-725	REP-E	89-14-096	248-14-070	AMD-E	8922-089
248-08-470	NEW-E	89-14-096	248-08-725	REP-E	89-22-092	248-14-070	AMD-C	89-23-057
248-08-470	REP-É	89-14-096	248-08-725	REP-P	89-22-103	248-14-090	AMD-P	89-04-054
248-08-470 248-08-470	AMD-E AMD-P	89-22 - 092 89-22 - 103	248-08-730 248-08-730	REP-E REP-E	89-14-096 89-22-092	248-14-090 248-14-120	AMD AMD-P	8908054 8919071
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248-08-480	REP-E	89-22-092	248-08-735	REP-E	89-14-096	248-14-211	NEW-P	89-17-129
248-08-480	REP-P	89-22-103	248-08-735	REP-E	89-22-092	248-14-211	NEW	89-21-049
248-08-490	REP-E	89-14-096	248-08-735	REP-P	89-22-103	248-14-235	AMD-P	89-04-054
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248-08-500	REP-E	89-14-096	248-08-740	REP-P	89-22-103	248-14-247	AMD=F	89-08-054
248-08-500	REP-E	89-22-092	248-08-750	REP-E	89-14-096	248-14-270	AMD	89-06-050
248-08-500	REP-P	89-22-103	248-08-750	REP-E	89-22-092	248-14-285	AMD-P	89-04-054
248-08-510	REP-E	89-14-096	248-08-750	REP-P	89-22-103	248-14-285	AMD	89-08-054
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248-08-515	NEW-E	89-14 - 096	248-08-755	REP-P	89-22-103	248-14-297	REP-C	89-19-024
248-08-515	NEW-E	89-22-092	248-08-760	REP-E	89-14-096	248-14-298	NEW-P	89-15-052
248-08-515	NEW-P	89-22-103	248-08-760	REP-E	89-22-092	248-14-298	NEW-C	89-18-054
248-08-520	REP-E	89-14-096	248-08-760 248-08-765	REP-P REP-E	89-22-103	248-14-298	NEW	89-19-024
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248-08-525	NEW-E	89-14-096	248-08-765	REP-P	89-22-103	248-15-040	AMD	89-06-003
248-08-525	NEW-E	89-22-092	248-08-770	REP-E	89-14-096	248-15-050	AMD	89-06-003
248-08-525	NEW-P	89-22-103	248-08-770	REP-E	89-22-092	248-15-110	AMD-E	89-14-095
248-08-530	REP-E	89-14-096	248-08-770	REP-P REP-E	89-22-103	248-15-110	AMD-E	89-22-091 89-22-107
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248-08-535	NEW-E	89-14-096	248-08-775	REP-P	89-22-103	248-16-030	REP	89-09-034
248-08-535	NEW-E	89-22-092	248-08-780	REP-E	89-14-096	248-16-031	NEW	89-09-034
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248-08-545	NEW-E	89-14-096	248-08-785	REP-P	89-22-103	248-16-035	REP	89-09-034
248-08-545	NEW-E	89-22-092	248-08-790	REP-E	89-14-096	248-16-036	NEW	89-09-034
248-08-545	NEW-P	89-22-103	248-08-790	REP-E	89-22-092	248-16-040	REP	89-09-034
248-08-550	REP-E	89-14-096 89-22-092	248-08-790 248-08-800	REP-P REP-E	89-22-103 89-14-096	248-16-045 248-16-046	REP NEW	89-09-034 89-09-034
248-08-550 248-08-550	REP-E REP-P	89-22-092 89-22-103	248-08-800	REP-E	89-22-092	248-16-048	NEW-P	89-17-007
248-08-560	REP-E	89-14-096	248-08-800	REP-P	89-22-103	248-16-048	NEW	89-21-038
248-08-560	REP-E	89-22-092	248-08-805	REP-E	89-14-096	248-16-050	REP	89-09-034
248-08-560	REP-P	89-22-103	248-08-805	REP-E	89-22-092	248-16-055	REP	89-09-034
248-08-565	NEW-E	89-14-096	248-08-805	REP-P	89-22-103	248-16-056	REP	89-09-034
248-08-565 248-08-565	NEW-E NEW-P	89-22-092 89-22-103	248-08-810 248-08-810	REP-E REP-E	8914 - 096 8922092	248–16–057 248–16–060	NEW AMD	89-09-034 89-09-034
248-08-570	REP-E	89-14-096	248-08-810	REP-P	89-22-103	248-16-070	AMD	89-09-034
248-08-570	REP-E	89-22-092	248-08-815	REP-E	8914096	248-16-080	AMD	8909034
248-08-570	REP-P	89-22-103	248-08-815	REP-E	89-22-092	248-16-090	AMD	89-09-034
248-08-575	NEW-E	89-22-092	248-08-815	REP-P	89-22-103	248-16-105	AMD	89-09-034 89-09-034
248-08-575 248-08-580	NEW-P REP-E	89-22-103 89-14-096	248-08-820 248-08-820	REP-E REP-E	89-14-096 89-22-092	248–16–110 248–16–115	AMD AMD	89-09-034 89-09-034
248-08-580	REP-E	89-22-092	248-08-820	REP-P	89-22-103	248-16-120	REP	89-09-034
248-08-580	REP-P	89-22-103	248-08-825	REP-E	89-14-096	248-16-121	NEW	89-09-034
248-08-590	REP-E	89-14-096	248-08-825	REP-E	89-22-092	248-16-130	REP	89-09-034
248-08-590	REP-E	89-22-092	248-08-825	REP-P	89–22–103	248–16–131	NEW	89-09-034

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248-16-140	REP	8909034	248-18-539	REP	89-22-106	248-26-035	NEW-P	89-17-007
248-16-141	NEW	89-09-034	248-18-541	NEW-P	89-17-124	248-26-035	NEW	89-21-038
248-16-150	AMD	89-09-034	248-18-541	NEW	89-22-106	248-27	AMD-P	89-07-023
248-16-160	AMD	89-09-034	248-18-600	REP-P	89-17-124	248–27	AMD	89-12-077
248-16-170	AMD	89-09-034	248-18-600	REP	89-22-106	248-27-001	REP-P	89-07-023
248-16-180	AMD	89-09-034 89-09-034	248-18-601 248-18-601	NEW-P NEW	89-17-124 89-22-106	248-27-001 248-27-002	REP REP-P	89-12-077 89-07-023
248-16-190 248-16-202	AMD AMD	89-09-034 89-09-034	248-18-605	REP-P	89-17-124	248-27-002	REP-F	89-07-023 89-12-077
248-16-213	AMD	89-09-034	248-18-605	REP	89-22-106	248-27-005	NEW-P	89-07-023
248-16-215	AMD	89-09-034	248-18-606	NEW-P	89-17-124	248-27-005	NEW	89-12-077
248-16-216	NEW	89-09-034	248-18-606	NEW	89-22-106	248-27-010	REP-P	89-07-023
248-16-222	AMD	89-09-034	248-18-607	REP-P	89-17-124	248-27-010	REP	89-12-077
248-16-223	AMD	89-09-034	248-18-607	REP NEW-P	89-22-106 89-17-124	248-27-015 248-27-015	NEW-P NEW	89-07-023 89-12-077
248-16-226 248-16-227	AMD REP	89-09-034 89-09-034	248-18-608 248-18-608	NEW-F	89-22-106	248-27-013	REP-P	89-07-023
248-16-228	REP	89-09-034	248-18-615	REP-P	89-17-124	248-27-020	REP	89-12-077
248-16-229	NEW	89-09-034	248-18-615	REP	89-22-106	248-27-025	NEW-P	89-07-023
248-16-230	AMD	89-09-034	248-18-616	NEW-P	89-17-124	248–27–025	NEW	89-12-077
248-16-235	AMD	89-09-034	248-18-616	NEW	89-22-106	248-27-025	AMD-E	89-15-057
248-16-300	NEW	89–09–034 89–09–034	248-18-636 248-18-636	REPP REP	89-17-124 89-22-106	248-27-025 248-27-025	AMD-E AMD-P	89-22-091 89-22-107
248-16-900 248-17-020	AMD AMD–P	89-10-069	248-18-637	NEW-P	89-17-124	248-27-023	REP-P	89-07-023
248-17-020	AMD-E	89-10-071	248-18-637	NEW	89-22-106	248-27-030	REP	89-12-077
248-17-020	AMD-E	89-16-070	248-18-655	REP-P	89-17-126	248-27-035	NEW-P	89-07-023
248-17-020	AMD-P	89-17-128	248-18-655	REP	89-22-109	248-27-035	NEW	89-12-077
248-17-020	AMD	89-22-108	248-18-656	NEW-P	89-17-126	248-27-035	AMD-E	89-15-057
248-17-020	AMD-E	89-23-028	248-18-656 248-18-710	NEW REP-P	89-22-109 89-17-125	248-27-035 248-27-035	AMD-E AMD-P	89-22-091 89-22-107
248-17-060 248-17-060	AMD-E AMD-E	89-14-095 89-22-091	248-18-710	REP	89-22-105	248-27-040	REP-P	89-07-023
248-17-060	AMD-P	89-22-107	248-18-711	NEW-P	89-17-125	248-27-040	REP	89-12-077
248-17-213	AMD-P	89-10-069	248-18-711	NEW	89-22-105	248-27-045	NEW-P	89-07-023
248-17-213	AMD-E	89-10-071	248-18-718	REP-P	89-17-125	248-27-045	NEW	89-12-077
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248-17-230	AMD-E	89-14-095	248-18-99902	AMD	89-22-105	248-27-050	REP	89-12-077
248-17-230	AMD-E	89-22-091	248-19-220	AMD-P	89-14077	248-27-055	NEW-P	89-07-023
248-17-230	AMD-P	89-22-107	248-19-230	REP-P	89-14-077	248-27-055	NEW	89-12-077
248-17-260	AMD-P	89-10-069 89-10-071	248-19-230 248-19-230	REP-E REP-P	89-14-087 89-19-043	248–27–055 248–27–055	AMD-E AMD-E	89-15-057 89-22-091
248-17-260 248-17-260	AMD-E AMD-E	89–10–071 89–16–070	248-19-230	REP-E	89-19-044	248-27-055	AMD-P	89-22-107
248-17-260	AMD-P	89-17-128	248-19-230	REP-C	89-23-097	248-27-060	REP-P	89-07-023
248-17-260	AMD	89-22-108	248-19-230	REP	89-23-098	248-27-060	REP	89-12-077
248-17-260	AMD-E	89-23-028	248-19-231	NEW-P	89-14-077	248-27-065	NEW-P	89-07-023
248-17-261	NEW-E NEW-P	89-16-070 89-17-128	248-19-231 248-19-231	NEW-E NEW-P	89-14-087 89-19-043	248–27–065 248–27–070	NEW REP-P	89-12-077 89-07-023
248-17-261 248-17-261	NEW-F	89-22-108	248-19-231	NEW-E	89-19-044	248-27-070	REP	89-12-077
248-17-261	NEW-E	89-23-028	248-19-231	NEW-C	89-23-097	248-27-077	NEW-P	89-07-023
248-18-001	AMD-P	89-17-124	248-19-231	NEW	89-23-098	248-27-077	NEW	89-12-077
248-18-001	AMD	89-22-106	248-19-480	AMD-E	89-14-095	248-27-080	REP-P	89-07-023
248-18-015	AMD-E AMD-E	89-14-095 89-22-091	248-19-480 248-19-480	AMD-E AMD-P	89-22-091 89-22-107	248–27–080 248–27–085	REP NEW-P	8912077 8907023
248-18-015 248-18-015	AMD-E	89-22-107	248-21-005	AMD-E	89-14-097	248-27-085	NEW	89-12-077
248-18-035	AMD-P	89-17-006	248-21-005	AMD-E	89-22-093	248-27-090	REP-P	89-07-023
248-18-035	AMD	89-21-039	248-21-005	AMD-E	89-23-091	248-27-090	REP	89-12-077
248-18-215	REP-P	89-17-124	248-21-005	AMD-P	89-23-102	248-27-095	NEW-P	89-07-023
248-18-215	REP	89-22-106	248-21-017	NEW-P NEW	89-17-007 89-21-038	248-27-095 248-27-100	NEW REP-P	89–12–077 89–07–023
248-18-216 248-18-216	NEW-P NEW	89-17-124 89-22-106	248-21-017 248-22-005	AMD-E	89-21-038 89-14-095	248-27-100	REP	89–12–077
248-18-220	REP-P	89-17-124	248-22-005	AMD-E	89-22-091	248-27-105	NEW-P	89-07-023
248-18-220	REP	89-22-106	248-22-005	AMD-P	89-22-107	248-27-105	NEW	89-12-077
248-18-221	NEW-P	89-17-124	248-22-017	NEW-P	89-17-007	248-27-115	NEW-P	89-07-023
248-18-221	NEW	89-22-106	248-22-017	NEW	89-21-038	248-27-115	NEW REP-P	89-12-077
248-18-222 248-18-222	REP-P REP	89-17-124 89-22-106	248-23-010 248-23-010	AMD-E AMD-E	89-14-095 89-22-091	248-27-120 248-27-120	REP	89-07-023 89-12-077
248-18-223	REP-P	89-17-124	248-23-010	AMD-P	89-22-107	248-27-125	NEW-P	89-07-023
248-18-223	REP	89-22-106	248-23-025	NEW-P	89-17-007	248-27-125	NEW	89-12-077
248-18-224	NEW-P	89-17-124	248-23-025	NEW	89-21-038	248-27-135	NEW-P	89-07-023
248-18-224	NEW	89-22-106	248-25-010	AMD-E	89-14-095	248-27-135	NEW D	89-12-077
248-18-310	REP-P REP	89-17-126	248-25-010	AMD-E	89-22-091 89-22-107	248-27-145 248-27-145	NEW-P NEW	89-07-023 89-12-077
248-18-310 248-18-311	NEW-P	89-22-109 89-17-126	248-25-010 248-25-025	AMD-P NEW-P	89-22-107 89-17-007	248-27-145	NEW-P	89-07-023
248-18-311	NEW	89-22-109	248-25-025	NEW	89-21-038	248-27-155	NEW	89-12-077
248-18-515	AMD-P	89-17-125	248-26-020	AMD-E	89-14-095	248-27-165	NEW-P	89-07-023
248-18-515	AMD	89-22-105	248-26-020	AMD-E	89-22-091	248-27-165	NEW	89-12-077
248-18-539	REP-P	89-17-124	248-26-020	AMD-P	89–22–107	248–27–175	NEW-P	89-07-023

WAC #		WSR #	WAC #		WSR #	WAC #		WSR #
248-27-175	NEW	89-12-077	248-31-125	NEW	89-12-077	248-52-001	NEW	89-20-020
248-27-185	NEW-P	89-07-023	248-31-130	REP-P	89-07-023	248-52-005	NEW-P	89-16-103
248-27-185 248-29-020	NEW AMD-E	89-12-077 89-14-095	248-31-130 248-31-135	REP NEW-P	8912077 8907023	248-52-005 248-52-010	NEW NEW-P	89-20-020 89-16-103
248-29-020	AMD-E	89-22-091	248-31-135	NEW	89-12-077	248-52-010	NEW	89-20-020
248-29-020	AMD-P	89-22-107	248-31-140	REP-P	89-07-023	248-52-020	NEW-P	89-16-103
248-29-045	NEW-P	89-17-007	248-31-140	REP	89-12-077	248-52-020	NEW	89-20-020
248-29-045	NEW	89-21-038	248-31-150	REP-P	89-07-023	248-52-030	NEW-P	89-16-103
248-31	AMD-P	89-07-023 89-12-077	248-31-150	REP	89-12-077	248-52-030	NEW	89-20-020
248-31 248-31-001	AMD REP-P	89–12–077 89–07–023	248-31-155 248-31-155	NEW-P NEW	8907023 8912077	248-52-040 248-52-040	NEW-P NEW	89-16-103 89-20-020
248-31-001	REP	89-12-077	248-31-160	REP-P	89-07-023	248-52-050	NEW-P	89-16-103
248-31-002	REP-P	89-07-023	248-31-160	REP	89-12-077	248-52-050	NEW	89-20-020
248-31-002	REP	89-12-077	248-31-165	NEW-P	89-07-023	248-52-060	NEW-P	89-16-103
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248-31-005 248-31-010	NEW REP-P	89-07-023	248-31-175	NEW-P	89-12-077	248-52-070	NEW-P NEW	89-16-103 89-20-020
248-31-010	REP	89-12-077	248-31-185	NEW-P	89-07-023	248-52-080	NEW-P	89-16-103
248-31-015	NEW-P	89-07-023	248-31-185	NEW	89-12-077	248-52-080	NEW	89-20-020
248-31-015	NEW	89-12-077	248-33-040	AMD-P	89-14-097	248-54	AMD-C	89-17-130
248-31-020 248-31-020	REP-P REP	8907023 8912077	248-33-040 248-33-040	AMD-E AMD-E	89-22-093 89-23-091	248-54-005 248-54-005	AMD-P	89-14-079 89-21-020
248-31-025	NEW-P	8907023	248-33-040	AMD-E	89-23-102	248-54-006	AMD NEW-P	89-21-020 89-14-079
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248-31-025	AMD-E	89-15-057	248-33-060	REP-E	89-22-093	248-54-015	AMD-P	89-14-079
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248-31-030	REP	89-12-077	248-33-080	REP-E	89-22-093	248-54-035	AMD-P	89-14-079
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248-31-035	AMD-P	89-22-107	248-36-005	NEW-P	89-07-023	248-54-055	AMD	89-21-020
248-31-040	REP-P	89-07-023	248-36-005	NEW	89-12-077	248-54-086	AMD-P	89-14-079
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248-31-045	AMD-E	89-15-057	248-36-025	NEW	89-12-077	248-54-098	NEW-P	89-14-079
248-31-045	AMD-E	89-22-091	248-36-025	AMD-E	89-15-057	248-54-098	NEW	89-21-020
248-31-045	AMD-P	89-22-107	248-36-025	AMD-E	89-22-091	248-54-165	AMD-P	89-14-079
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248-31-055	NEW-P	89-07-023	248-36-035	NEW	89-12-077	248-54-175	AMD-P	89-21-020
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248-31-060	REP	89-12-077	248-36-045	AMD-E	89-15-057	248-54-196	AMD	89-21-020
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248-31-070 248-31-070	REP-P REP	89-07-023 89-12-077	248–36–055 248–36–055	NEW-F	89-12-077	248-54-255	REP-P	89-14-079 89-21-020
248-31-075	REP-P	89-07-023	248-36-055	AMD-E	89-15-057	248-54-265	AMD-P	89-14-079
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248-31-077 248-31-080	REP-P	89-07-023	248–36–065 248–36–065	NEW-P	89-07-023 89-12-077	248-54-285 248-55-220	AMD AMD-E	89-21-020 89-14-095
248-31-080	REP	89-12-077	248-36-077	NEW-P	89-07-023	248-55-220	AMD-E	89-22-091
248-31-085	NEW-P	89-07-023	248-36-077	NEW	89-12-077	248-55-220	AMD-P	89-22-107
248-31-085	NEW	89-12-077	248-36-085	NEW-P	89-07-023	248-55-230	REP-E	89-14-095
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248-31-100 248-31-105	REP NEW-P	89-12-077 89-07-023	248-36-115 248-36-115	NEW-P NEW	89–07–023 89–12–077	248-55-240 248-55-240	AMD-E AMD-E	89-14-095 89-22-091
248-31-105 248-31-105	NEW	89-12-077	248-36-125	NEW-P	89-07-023	248-55-240	AMD-P	89-22-107
248-31-110	REP-P	8907023	248-36-125	NEW	89-12-077	248-55-250	AMD-E	89-14-095
248-31-110	REP	89-12-077	248-36-135	NEW-P	89-07-023	248-55-250	REP-E REP-P	89-22-091 89-22-107
248-31-115 248-31-115	NEW-P NEW	8907023 8912077	248-36-135 248-36-165	NEW NEW-P	89-12-077 89-07-023	248-55-250 248-55-260	REP-E	89-22-107 89-14-095
248-31-120	REP-P	89-07-023	248-36-165	NEW	89-12-077	248-55-260	REP-E	89-22-091
248-31-120	REP	89-12-077	248-52	NEW-C	89-17-131	248-55-260	REP-P	89-22-107
248-31-125	NEW-P	89–07–023	248-52-001	NEW-P	89–16–103	248–56–500	AMD-P	89–11–055

WAC #		WSR #	WAC #		WSR #	WAC #		WSR #
248-56-500	AMD	89-16-065	248-105-030	AMD-W	89-22-039	248-144-090	REP-P	89-08-098
248-56-510	AMD-P	89-11-055	248-105-040	REP-P	89-13-079	248-144-090	REP	89-11-058
248-57-500 248-57-500	AMDP AMD	89-11-055 89-16-065	248-105-040 248-105-040	REP-P REP-W	89-20-019 89-22-039	248-144-091 248-144-091	NEW-P NEW	89-08-098 89-11-058
248-58-085	NEW-E	89-14-097	248-105-050	REP-P	89-13-079	248-144-100	REP-P	89-08-098
248-58-085	NEW-E	89-22-093	248-105-050	REP-P	89-20-019	248-144-100	REP	89-11-058
248-58-085	NEW-P	90-01-129	248-105-050	REP-W	89-22-039	248-144-101	NEW-P	89-08-098
248-59-030	AMD-E	89-14-095	248-105-060	REP-P	89-13-079	248-144-101	NEW	89-11-058
248-59-030 248-59-030	AMD-E AMD-P	89-22-091 89-22-107	248-105-060 248-105-060	REP-P REP-W	89-20-019 89-22-039	248-144-110 248-144-110	REP-P REP	89-08-098 89-11-058
248-59-040	REP-E	89-14-095	248-105-000	AMD-P	89-13-079	248-144-111	NEW-P	89-08-098
248-59-040	REP-E	89-22-091	248-105-070	AMD-P	89-20-019	248-144-111	NEW	89-11-058
248-59-040	REP-P	89-22-107	248-105-070	AMD-W	89-22-039	248-144-120	REP-P	89-08-098
248-59-050	REP-E	89-14-095	248-105-080	AMD-P	89-13-079	248-144-120	REP	89-11-058
248-59-050 248-59-050	REP-E REP-P	89-22-091 89-22-107	248-105-080 248-105-080	AMD-P AMD-W	89-20-019 89-22-039	248-144-121 248-144-121	NEW-P NEW	89-08-098 89-11-058
248-59-060	REP-E	89-14-095	248-105-090	AMD-P	89-13-079	248-144-130	REP-P	89-08-098
248-59-060	REP-E	89-22-091	248-105-090	AMD-P	89-20-019	248-144-130	REP	89-11-058
248-59-060	REP-P	89-22-107	248-105-090	AMD-W	89-22-039	248-144-131	NEW-P	89-08-098
248-59-070 248-59-070	REP-E REP-E	89-14 - 095 89-22-091	248-105-100 248-105-100	AMD-P AMD-P	89-13-079 89-20-019	248-144-131 248-144-140	NEW REP-P	89-11-058 89-08-098
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248-59-080	REP-E	89-22-091	248-106-001	NEW-P	89-21-015	248-144-141	NEW	89-11-058
248-59-080 248-63-025	REP-P AMD-E	89-22-107 89-22-093	248-106-010 248-106-010	NEW-E NEW-P	89–20–005 89–21–015	248-144-150 248-144-150	REP-P REP	89-08-098 89-11-058
248-63-025	AMD-P	90-01-129	248-106-010	NEW-F	89-21-013	248-144-151	NEW-P	89-08-098
248-64-240	AMD-P	89-16-104	248-106-020	NEW-P	89-21-015	248-144-151	NEW	89-11-058
248-64-240	AMD-C	89-17-132	248-124-990	REP-P	89-06-047	248-144-160	REP-P	89-08-098
248-64-240	AMD	89-20-026	248-124-990	REP	89-10-023	248-144-160	REP	89-11-058
248-64-320 248-64-320	AMD-P AMD-C	89-16-104 89-17-132	248-124-99001 248-124-99001	REPP REP	89-06-047 89-10-023	248-144-161 248-144-161	NEW-P NEW	89-08-098 89-11-058
248-64-320	AMD-C	89-20-026	248-124-99002	REPP	89-06-047	248-144-170	REP-P	89-08-098
248-91-060	AMD-E	89-14-095	248-124-99002	REP	89-10-023	248-144-170	REP	89-11-058
248-91-060	AMD-E	89-22-091	248-124-99003	REP-P	89-06-047	248-144-171	NEW-P	89-08-098
248-91-060 248-96	AMD-P AMD-C	89-22-107 89-17-055	248-124-99003 248-124-99004	REP REP-P	89-10-023 89-06-047	248-144-171 248-144-180	NEW REP-P	89-11-058 89-08-098
248-96-020	AMD-P	89-14-126	248-124-99004	REP	89-10-023	248-144-180	REP	89-11-058
248-96-020	AMD	89-21-026	248-140-200	AMD-E	89-14-097	248144181	NEW-P	89-08-098
248-96-040	AMD-P	89-14-126	248-140-200	AMD-E	89-22-093	248-144-181	NEW	89-11-058
248-96-040 248-96-046	AMD AMD-P	89-21-026 89-14-126	248-140-200 248-140-200	AMD-E AMD-P	89-23-091 89-23-102	248-144-190 248-144-190	REP-P REP	89-08-098 89-11-058
248-96-046	AMD	89-21-026	248-140-215	NEW-P	89-17-007	248-144-191	NEW-P	89-08-098
248-96-060	AMD-P	89-14-126	248-140-215	NEW	89-21-038	248-144-191	NEW	89-11-058
248-96-060	AMD	89-21-026	248-144-010	AMD-P	89-08-098	248-144-200	REP-P	89-08-098
248-96-110 248-96-110	AMD-P AMD	89-14-126 89-21-026	248-144-010 248-144-020	AMD AMD-P	89-11 - 058 89-08-098	248-144-200 248-144-201	REP NEW-P	89-11-058 89-08-098
248-96-120	NEW-P	89-14-126	248-144-020	AMD	89-11-058	248-144-201	NEW	89-11-058
248-96-120	NEW	89-21-026	248-144-030	REP-P	89-08-098	248-144-210	REP-P	89-08-098
248-96-125 248-96-125	NEW-P NEW	89-14-126	248-144-030	REP	89-11-058	248-144-210	REP	89-11-058
248-97-130	AMD-E	89-21-026 89-14-097	248-144-031 248-144-031	NEW-P NEW	89-08-098 89-11-058	248-144-211 248-144-211	NEW-P NEW	89-08-098 89-11-058
248-97-130	AMD-E	89-22-093	248-144-031	AMD-E	89-14-097	248-144-220	REP-P	89-08-098
248-97-130	AMD-P	90-01-129	248-144-031	AMD-E	89-22-093	248-144-220	REP	89-11-058
248-97-135 248-97-135	NEW-E NEW-E	89-14-097 89-22-093	248-144-031 248-144-035	AMD-P REP-P	90-01-129	248-144-230	REP-P	89-08-098
248-97-135	NEW-E	90-01-129	248-144-035	REP-P	89-08-098 89-11-058	248-144-230 248-144-240	REP REP-P	89-11 - 058 89-08-098
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248-320-500 248-320-500	NEW-E NEW-P	89-22-103	251-04-040	AMD 90-01-007 AMD-P 90-01-126		RE-AD 89-22-020 RE-AD-E 89-17-009
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251-01-415	AMD	89-13-074	251-12-097	RE-AD-E 89-17-009	251-22-170	AMD-P 89-17-118
251-01-415	AMD-E	89-19-017	251–12–097	RE-AD-P 89-17-120	251-22-170	AMD 89–22–018

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275-56-145 275-56-145	REP-E REP-S	89-20-030 89-23-108	275-56-275	AMD-E	89-23-108	275-56-405	REP-E	89-20-030
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275-56-150 275-56-155	AMD-S REPP	89-23-108 89-16-105	275–56–280 275–56–285	REP-S AMD-P	89–23–108 89–16–105	275-56-410 275-56-410	REP-E REP-S	89-20-030 89-23-108
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275-56-430	REP-E	89-20-030	284-17-310	AMD-P	89–16–099	284-55-177	NEW	89-11-096
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275-56-435	REP-P	89-16-105	284-17-320	AMD-P	89-16-099	284-55-180	REP-E	90-01-092
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275–56–440	REP-P	89-16105	284-17-505	AMD	89-14-045	284-55-205	NEW-P	89-09-050
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275-56-515	NEW-S	89-23-108	284-17-570	AMD-E	89-11-070	284-66-110	NEW-E	90-01-092
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275-80-846	REP-P	89-11-029	284-23-550	AMD-E	89-08-038	284-66-180	NEW-E	90-01-092
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275-80-860	REP-P	89-11-029	284-55-010	REP-E	90-01-092	284-66-220	NEW-E	90-01-092
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284-17-200	AMD-I	89-19-037	284-55-125	REP-E	90-01-092	292-12-080	NEW-E	89-24-061
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284-17-220	AMD	89-19-037	284-55-150	AMD	89-11-096	292-12-120	NEW-E	89-24-061
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284-17-250	AMD-P	89-16-099	284-33-133	AMD-P	89-09-050	292-12-140	NEW-E NEW-E	89-24-061
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296-04-350	AMD-P	89-24-096	296–17–567	AMD-P	89-20-063	296-17-773	AMD	89–16–001
296-04-370	AMD-P	89-24-096	296-17-567	AMD	89-24-051	296-17-855	AMD-P	89-20-063
296-14-400	AMD-P	89-20-061	296-17-576	REP-P	89-20-063	296–17–855	AMD	89-24-051
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296-62-07719	AMD-P	89-06-058	296-65-003	AMD	89-21-018	296-116-080	AMD-P	89-14-001
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296-116-120	AMD-P AMD-C	89–23–090 89–03–037	296-127-014		89-12-051	296-134-010	NEW-E	89-18-091
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296-125-165	NEW	89-23-003	296-128-011	NEW	89-22-120	296-155-675	AMD-P	89-06-058
296-125-170	NEW-E	89-16-023	296-128-012	NEW-P	89-15-060	296-155-675	AMD	89-11-035
296-125-170	NEW-P	89-16-087	296-128-012	NEW-E	89-16-085	296-155-675	AMD-P	89-22-119
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296–125–175 296–125–175	NEW-E NEW-P	89-16-023 89-16-087	296–128–025 296–128–025	AMD-P AMD-C	89-16-089 89-21-011	296-155-680 296-155-680	AMD AMD–P	89-11-035 89-22-119
296-125-175	NEW	89-23-003	296-128-025	AMD	89-22-016	296-155-681	NEW-P	89-06-058
296-126-020	AMD-C	89-06-035	296-128-035	NEW-P	89-16-089	296-155-681	NEW	89-11-035
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296126020 296126020	AMD-C AMD	89-09-007 89-10-014	296-128-035 296-131-001	NEW NEW-E	89-22-016 89-16-022	296-155-682 296-155-683	NEW NEW-P	89-11-035 89-06-058
296-126-023	AMD-P	89-16-089	296-131-001	NEW-P	89-16-088	296-155-683	NEW	89-11-035
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296-126-050 296-126-050	AMD-P AMD-C	89-16-089 89-21-011	296-131-010 296-131-010	NEW-E NEW-P	89-16-022 89-16-088	296-155-685 296-155-685	AMD-P AMD	89-06-058 89-11-035
296-126-050	AMD AMD	89-22-016	296-131-010	NEW-C	89-21-010	296-155-686	NEW-P	89-06-058
296-127	AMD-C	89-19-009A	296-131-010	NEW	89-22-015	296-155-686	NEW	89-11-035
296-127-010	AMD-P	89-12-051	296-131-015	NEW-E	89-16-022	296–155–687	NEW-P	89-06-058
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296-127-010	AMD-C AMD-W	89-23-026	296-131-015	NEW-C	89-22-015	296-155-688	NEW-F	89–00–038 89–11 <i>–</i> 035
296-127-011	AMD-P	89-12-051	296-131-017	NEW-E	89-16-022	296-155-689	NEW-P	89-06-058
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296-127-011	RÉ-AD-P		296-134-001	NEW-P	89-18-090	296-155-690	AMD-P	89-22-119
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WAC #		WSR #	WAC #		WSR #	WAC #		WSR #
296-155-691	NEW-P	89–06–058	308-25-120	NEW-P	89–10–077	308-42-010	AMD-C	89–10–073
296-155-691	NEW	89-11-035	308-25-120	NEW	89-14-092	308-42-010	AMD-P	89-17-095
296-155-692	NEW-P	89-06-058	308-25-130	NEW-P	89-10-077	308-42-010	AMD	89-21-007
296-155-692	NEW	89-11-035	308-25-130	NEW D	89-14-092	308-42-120	AMD-P	89-17-096
296-155-692	REP-P NEW-P	89-22-119 89-06-058	308-25-140 308-25-140	NEW-P NEW	89-10-077 89-14-092	308-42-120 308-42-121	AMD NEW-P	89-21-008 89-09-066
296–155–694 296–155–694	NEW-P NEW	89-06-038 89-11-035	308-25-150	NEW-P	89-14-092 89-10-077	308-42-121	NEW-P	89–17–097
296-155-694	AMD-P	89-22-119	308-25-150	NEW	89-14-092	308-42-121	NEW	89-19-007
296-155-695	AMD-P	89-06-058	308-25-160	NEW-P	89-10-077	308-42-121	NEW	89-21-009
296-155-695	AMD	89-11-035	308-25-160	NEW	89-14-092	308-42-145	AMD-P	89-09-066
296-155-697	NEW-P	89-06-058	308-25-170	NEW-P	89-13-048	308-42-145	AMD	89~19~007
296-155-697	NEW	89-11-035	308-25-170	NEW D	89-16-096	308-48-021	NEW-P REP-P	89-18-084 89-18-084
296-155-697 296-155-699	AMD-P NEW-P	89-22-119 89-06-058	308–26–055 308–26–055	NEW-P NEW	89-10-077 89-14-092	308-48-165 308-48-350	NEW	89-04-002
296-155-699	NEW	89–11–035	308-26-065	NEW-P	89-10-077	308-49-100	AMD-P	89-18-084
296-155-725	AMD-P	89-22-119	308-26-065	NEW	89-14-092	308-49-130	AMD-P	89-18-084
296-155-730	AMD-P	89-22-119	308-26-075	NEW-P	89-10-077	308-49-140	AMD-P	89-18-084
296-155-750	REP-P	89-06-058	308-26-075	NEW	89-14-092	308-49-145	NEW-P	89-18-084
296-155-750	REP	89-11-035	308–26–085 308–26–085	NEW-P NEW	89-10-077 89-14-092	308-49-150 308-49-160	AMD-P REP-P	89-18-084 89-18-084
296-303-02007 296-303-02007	AMD-P AMD	89–06–058 89–11–035	308-26-085 308-26-095	NEW-P	89-14-092 89-10-077	308-49-162	NEW-P	89-18-084 89-18-084
296-303-040	AMD-P	89-06-058	308-26-095	NEW	89-14-092	308-49-164	NEW-P	89-18-084
296-303-040	AMD	89-11-035	308-26-105	NEW-P	89-10-077	308-49-166	NEW-P	89-18-084
296-304-010	AMD-P	89-06-058	308-26-105	NEW	89-14-092	308-49-168	NEW-P	89-18-084
296-304-010	AMD	89-11-035	308-26-115	NEW-P	89-10-077	308-50-010	AMD-P	89-05-055
296-305-025	AMD-P	89–06–058	308-26-115	NEW NEW-P	89-14-092 89-10-077	308-50-010 308-50-020	AMD AMD	89–08–096 89–04–017
296–305–025 296–306	AMD AMD-P	89-11-035 89-06-058	308-26-125 308-26-125	NEW-P	89-10-077 89-14-092	308-50-020 308-50-035	AMD	89-04-017 89-04-017
296-306	AMD-F	89-11-035	308-26-135	NEW-P	89-10-077	308-50-035	AMD-P	89-09-026
296-306	NEW-C	90-01-148	308-26-135	NEW	89-14-092	308-50-035	AMD	89-14-007
296-306-010	AMD-P	89-06-058	308-29-045	AMD-E	89-24-065	308-50-130	AMD	89-04-017
296-306-010	AMD	89-11-035	308-31-055	AMD-E	89-13-091	308-50-295	AMD-P	90-01-025
296-306-060	AMD-P	89-22-119	308-31-055	AMD-P AMD	89-14-103 89-17-156	308-50-310 308-50-350	AMD-P AMD	90-01-025 89-04-017
296-306-165 296-306-165	AMD-P AMD	89–06–058 89–11–035	308-31-055 308-34-010	REP	89-17-136 89-02-051	308-50-420	AMD	89–04–017 89–04–017
296-306-200	AMD-P	89-06-058	308-34-010	REP	89-02-051	308-50-440	AMD-P	90-01-128
296-306-200	AMD	89-11-035	308-34-030	REP	89-02-051	308-51-230	NEW-P	89-10-077
296-306-310	AMD-P	89-06-058	308-34-040	REP	89-02-051	308-51-230	NEW	89-14-092
296-306-310	AMD-E	89-11-007	308-34-050	REP	89-02-051	308-51-240 308-51-240	NEW-P	89-10-077
296-306-310 296-306-320	AMD AMD–P	89-11-035 89-06-058	308-34-060 308-34-070	REP REP	89–02–051 89–02–051	308-51-250	NEW NEW-P	89-14-092 89-10-077
296-306-320	AMD-E	89-11-007	308-34-070	REP	89-02-051	308-51-250	NEW	89-14-092
296-306-320	AMD	89-11-035	308-34-090	REP	89-02-051	308-51-260	NEW-P	89-10-077
296-306-400	NEW-P	89-23-118	308-34-170	AMD-P	90-01-128	308-51-260	NEW	89-14-092
296-306-40003	NEW-P	89-23-118	308-34-310	NEW	89-02-051	308-51-270	NEW-P	89-10-077
296-306-40005	NEW-P AMD-P	89–23–118 89–07–079	308-34-320 308-34-330	NEW NEW	89-02-051 89-02-051	308-51-270 308-51-280	NEW NEW-P	89-14-092 89-10-077
296-400-045 296-400-045	AMD-P AMD	89-12-004	308-34-330	NEW	89-02-051	308-51-280	NEW	89-14-092
308-12-025	AMD-P	89-13-049	308-34-420	NEW	89-02-051	308-51-290	NEW-P	89-10-077
308-12-025	AMD	89-17-038	308-34-430	NEW	89-02-051	308-51-290	NEW	89-14-092
308-12-031	AMD-P	89-13-049	308-34-440	NEW	89-02-051	308-51-300	NEW-P	89-10-077
308-12-031	AMD	89-17-038	308-34-450	NEW NEW	89-02-051 89-02-051	308-51-300 308-51-310	NEW NEW-P	89-14-092 89-10 - 077
308-12-040 308-12-040	AMD-P AMD	89-06-067 89-12-052	308-34-460 308-34-470	NEW	89–02–051 89–02–051	308-51-310	NEW	89-10-077 89-14-092
308-12-050	AMD-P	89-13-049	308-34-480	NEW	89-02-051	308-52-100	AMD-P	90-01-103
308-12-050	AMD	89-17-038	308-37-190	AMD-P	89-02-064	308-52-139	AMD	89-06-077
308-12-326	AMD-E	89-17-087	308-37-190	AMD-C	89-05-020	308-52-165	NEW-P	89-16-097
308-12-326	AMD-P	89-24-059	308-37-190	REP-P	89–07–092 89–08–095	308-52-165	NEW NEW-P	89-20-023 89-05-056
308-13-150 308-25-010	AMD-P REP-P	89-24-058 90-01-130	308-37-190 308-40-102	AMD AMD	89-06-075	308-52-190 308-52-190	NEW-F	89–03–036 89–08–063
308-25-011	NEW-P	90-01-130	308-40-105	AMD-P	89-10-072	308-52-255	AMD~P	89-09-067
308-25-015	AMD-P	90-01-130	308-40-105	AMD-E	89-10-074	308-52-255	AMD	89-12-053
308-25-031	NEW-P	90-01-130	308-40-105	AMD	89-13-052	308-52-260	AMD	89-06-077
308-25-035	AMD-P	90-01-130	308-40-106	NEW-P	89-10-072	308-52-265	NEW-P	89-09-067
308-25-041 308-25-045	NEW-P NEW-P	90-01-130 90-01-130	308-40-106 308-40-106	NEW-E NEW	89-10-074 89-13-052	308-52-265 308-52-405	NEW AMD-P	89-12-053 89-09-067
308-25-046	NEW-P	90-01-130	308-40-106	AMD-E	89-21-041	308-52-405	AMD-I	89-12-053
308-25-047	NEW-P	90-01-130	308-40-125	AMD-P	89-24-075	308-52-415	AMD-P	89-09-067
308-25-065	AMD-P	90-01-128	308-40-125	AMD-W	90-01-127	308-52-415	AMD	89-12-053
308-25-080	NEW-P	89-10-077	308-40-125	AMD-P	90-01-128	308-52-590	AMD-E	89-14-008
308–25–080 308–25–090	NEW NEW-P	89-14-092 89-10-077	308-40-130 308-40-130	NEW-E NEW-P	8922094 8922095	308-52-590 308-52-590	AMD-P AMD	89-14-030 89-18-037
308-25-090 308-25-090	NEW-P	89-14-092	308-40-130	REP-E	89-22-093 89-22-094	308-52-620	NEW	89-06-076
308-25-100	NEW-P	89-10-077	308-40-135	REP-P	89-22-095	308-52-630	NEW-P	89-09-067
308-25-100	NEW	89-14-092	308-40-140	NEW-P	89-06-068	308-52-630	NEW	89-13-002
308-25-110	NEW-P	89-10-077	308-40-140	NEW	89-11-053	308-52-640	NEW-P	89-09-067
308-25-110	NEW	89-14-092	308-42-010	AMD-P	89–06–069	308-52-640	NEW	89–13–002

WAC #		WSR #	WAC #		WSR #	WAC #		WSR #
308-52-650	NEW-P	8909067	308-56A-640	NEW-E	89-10-045	308100030	AMD	89-18-003
308-52-650	NEW	89-13-002	308-56A-640	NEW-P	89-11-019	308-100-040	AMD-P	89-15-040
308-52-660	NEW-P	89-09-067	308-56A-640	NEW	89-16-074	308-100-040	AMD	89-18-003
308-52-660 308-52-670	NEW NEW-P	89-13-002 89-09-067	308-56A-640 308-56A-650	NEW-E NEW-E	89-16-075 89-10-045	308-100-050 308-100-050	AMD-P AMD	89-15-040 89-18-003
308-52-670	NEW	89–13–002	308-56A-650	NEW-P	89-11-019	308-100-030	REP-P	89-15-040
308-52-670	REP-P	89-16-097	308-56A-650	NEW	89-16-074	308-100-080	REP	89-18-003
308-52-670	REP	89-20-023	308-56A-650	NEW-E	89-16-075	308-100-100	NEW-P	89-15-040
308-52-680	NEW-P	89-16-097	308-56A-660	NEW-E	89-10-045	308-100-100	NEW	89-18-003
308-52-680 308-52-690	NEW NEW-P	89-20-023 89-16-097	308-56A-660 308-56A-660	NEW-P NEW	89-11-019 89-16-074	308-100-110 308-100-110	NEW-P NEW	89-15-040 89-18-003
308-52-690	NEW	89-20-023	308-56A-660	NEW-E	89-16-075	308-100-110	NEW-P	89-15-040
308-53-120	AMD-P	89-06-070	308-56A-670	NEW-E	89-10-045	308-100-120	NEW	89-18-003
308-53-120	AMD	89-10-030	308-56A-670	NEW-P	89-11-019	308-100-130	NEW-P	89-15-040
308-53-123 308-53-123	NEW-P NEW	89-06-070 89-10-030	308-56A-670 308-56A-670	NEW NEW-E	89-16-074	308-100-130	NEW D	89-18-003
308-53-125	AMD-P	89-06-070	308-56A-680	NEW-E	89-16-075 89-10-045	308-100-140 308-100-140	NEW-P NEW	89-15-040 89-18-003
308-53-125	AMD	89-10-030	308-56A-680	NEW-P	89-11-019	308-100-150	NEW-P	89–15–040
308-53-130	REP-P	89-06-070	308-56A-680	NEW	89-16-074	308-100-150	NEW	89-18-003
308-53-130	REP	89-10-030	308-56A-680	NEW-E	89-16-075	308-100-160	NEW-P	89-15-040
308-53-135 308-53-135	AMD-P AMD	89-06-070 89-10-030	308-56A-690 308-56A-690	NEW-E NEW-P	89-10-045 89-11-019	308-100-160 308-100-170	NEW NEW-P	89-18-003
308-53-135	AMD-P	89-10-030 89-06-070	308-56A-690	NEW-P	89-11-019 89-16-074	308-100-170	NEW-P	89-15-040 89-18-003
308-53-145	AMD	89-10-030	308-56A-690	NEW-E	8916075	308-100-170	NEW-P	89-15-040
308-53-146	AMD-P	89-06-070	308-61-108	AMD-P	89-20-010	308-100-180	NEW	89-18-003
308-53-146	AMD	89-10-030	308-61-108	AMD-E	89-20-011	308-100-190	NEW-P	89-15-040
308-53-150 308-53-150	AMD-P AMD	89-06-070 89-10-030	308-61-108 308-61-135	AMD AMD–P	90-01-060 89-20-010	308-100-190 308-100-200	NEW NEW-P	89-18-003 89-15-040
308-53-151	AMD-P	89-06-070	308-61-135	AMD-F	89-20-010	308-100-200	NEW-P	89-13-040 89-18-003
308-53-151	AMD	89-10-030	308-61-135	AMD	90-01-060	308-104-025	AMD-P	89-15-040
308-53-165	AMD-P	89-06-070	308-61-185	AMD-P	89-20-010	308-104-025	AMD	89-18-003
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308-53-170 308-53-170	AMD-P AMD	89-06-070 89-10-030	308-61-185 308-61-190	AMD AMD-P	90-01-060 89-20-010	308-104-035 308-104-100	NEW AMD-P	89-18-003 89-15-040
308-53-175	NEW-P	89-06-070	308-61-190	AMD-E	89-20-011	308-104-100	AMD-F	89-18-003
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308-53-180	AMD-P	89-06-070	308-61-230	AMD-P	89–20–010	308-104-105	AMD	89-18-003
308-53-180 308-53-330	AMD NEW-P	89-10-030 89-13-062	308-61-230 308-61-230	AMD-E AMD	89-20-011 90-01-060	308-106-010 308-106-010	NEW-P	89-19-052 89-22-030
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308-53-340	NEW-P	89–13–062	308-67-010	NEW-E	89-23-124	308-106-020	NEW	89-22-030
308-53-340	NEW	89-17-040	308-77-030	AMD	89-03-005	308-106-030	NEW-P	89-19-052
308-53-350	NEW-P NEW	89-18-083	308-77-034	AMD	89-03-005	308-106-030	NEW	89-22-030
308-53-350 308-53-400	NEW-C	89-22-102 89-06-066	308-77-040 308-77-042	AMD NEW	89-03-005 89-03-034	308-115-065 308-115-260	NEW NEW-P	89-16-037 89-10-077
308-53-400	NEW	89-09-027	308-77-044	NEW	89-03-034	308-115-260	NEW	89-14-092
308-54-315	AMD-P	90-01-128	308-77-060	AMD	89-03-005	308-115-270	NEW-P	89-10-077
308-55-035	NEW-P	89-10-077	308-89-040	AMD-P	89-08-091	308-115-270	NEW	89-14-092
308-55-035 308-55-045	NEW NEW-P	89-14-092 89-10-077	308-89-040 308-90-080	AMD-E AMD-E	89-08-094 89-14-091	308-115-280 308-115-280	NEW-P NEW	89-10-077 89-14-092
308-55-045	NEW	89-14-092	308-90-080	AMD-P	89-15-049	308-115-290	NEW-P	89-14-092 89-10-077
308-55-055	NEW-P	89-10-077	308-90-080	AMD	89-18-028	308-115-290	NEW	89-14-092
308-55-055	NEW	89-14-092	308-91	AMD-P	89-02-063	308-115-310	NEW-P	89-10-077
308-55-065	NEW-P NEW	89-10-077	308-91	AMD AMD-P	89-07-035	308-115-310	NEW	89-14-092
308-55-065 308-55-075	NEW-P	89-14-092 89-10-077	308-91-030 308-91-030	AMD-P AMD	89-02-062 89-07-036	308-115-320 308-115-320	NEW-P NEW	89-10-077 89-14-092
308-55-075	NEW	89-14-092	308-91-040	AMD-P	89-02-063	308-115-330	NEW-P	89-10-077
308-55-085	NEW-P	89-10-077	308-91-040	AMD	89-07-035	308-115-330	NEW	89-14-092
308-55-085	NEW	89-14-092	308-91-050	AMD-P	89-02-063	308-115-340	NEW-P	89-10-077
308-55-095 308-55-095	NEW-P NEW	89-10-077 89-14-092	308-91-050 308-91-140	AMD AMD–P	89-07-035 89-02-063	308-115-340 308-115-350	NEW NEW-P	89-14-092 89-10-077
308-55-105	NEW-P	89-10-077	308-91-140	AMD-I	89-07-035	308-115-350	NEW-F	89-14-092
308-55-105	NEW	89-14-092	308-93-010	AMD-P	90-01-048	308-115-405	AMD-P	89-05-018
308-55-115	NEW-P	89-10-077	308-93-050	AMD-P	90-01-048	308-115-405	AMD	89-08-008
308-55-115	NEW	89-14-092	308-93-140	AMD-P	90-01-048	308-115-405	AMD-P	90-01-128
308-56A-610 308-56A-610	NEW-E NEW-P	89-10-045 89-11-019	308-93-660 308-96A-260	NEW-P AMD-P	90-01-048 89-08-091	308-117-080 308-117-080	AMD-P AMD	89-06-071 89-10-075
308-56A-610	NEW	89-16-074	308-96A-260	AMD-F AMD-E	89-08-094	308-117-080	NEW-P	89-02-065
308-56A-610	NEW-E	89-16-075	308-99-025	AMD-P	89-17-065	308-117-460	NEW-P	89-02-065
308-56A-620	NEW-E	89-10-045	308-99-025	AMD	89-20-043	308-117-460	NEW	89-07-005
308-56A-620	NEW-P NEW	89-11-019 89-16-074	308-99-050	NEW-P NEW	89-17-065	308-117-470	NEW-P NEW	89-02-065 89-07-005
308-56A-620 308-56A-620	NEW-E	89-16-074 89-16-075	308-99-050 308-100-010	NEW AMD-P	8920043 8915040	308-117-470 308-117-480	NEW-P	89-07-005 89-02-065
308-56A-630	NEW-E	89-10-045	308-100-010	AMD	89~18~003	308-117-480	NEW	89-07-005
308-56A-630	NEW-P	89-11-019	308-100-020	AMD-P	89-15-040	308-117-500	AMD-P	90-01-128
308-56A-630	NEW E	89-16-074	308-100-020	AMD	89-18-003	308-120-165	AMD-P	89-22-104
308-56A-630	NEW-E	89–16–075	308-100-030	AMD-P	89–15–040	308-120-168	AMD-P	8908093

WAC #		WSR #	WAC #	- K	WSR #	WAC #		WSR #
308-120-168	AMD	89-12-032	308-124D-060	REP-P	89-07-091	308-177-030	NEW	89-14-092
308-120-170	AMD-P	89-06-072	308-124D-060	REP	89-11-032	308-177-040	NEW-P	89-10-077
308-120-170	AMD	89-12-033	308-124D-061	NEW-P	89-22-069	308-177-040	NEW	89-14-092
308-120-275	AMD-P	90-01-128	308-124D-061	NEW	90-01-044	308-177-050	NEW-P	89-10-077
308-120-305	AMD-P	89-06-072	308-124D-065	REP-P REP	8907091 8911032	308-177-050 308-177-060	NEW NEW-P	89-14-092 89-10-077
308-120-305	AMD NEW-P	89-12-033 89-22-104	308-124D-065 308-124E-012	AMD-P	89-11-032 89-22-070	308-177-060	NEW-P	89-14-092
308-120-620 308-120-810	NEW-P	89-22-104 89-06-072	308-124E-012 308-124E-012	AMD-F	90-01-045	308-177-070	NEW-P	89-10-077
308-120-810	NEW	89-12-033	308-124E-012	AMD-P	89-22-071	308-177-070	NEW	89-14-092
308-122-211	NEW-P	89-08-092	308-124E-014	AMD	90-01-046	308-177-080	NEW-P	89-10-077
308-122-211	NEW	89-11-054	308-124H-010	AMD-P	89-22-072	308-177-080	NEW	89-14-092
308-122-275	AMD-P	90-01-128	308-124H-010	AMD	90-01-047	308-177-090	NEW-P	89-10-077
308-122-360	AMD-P	89-14-090	308-124H-030	AMD-P	89-07-091	308-177-090	NEW NEW	89-14-092 89-03-035
308-122-360 308-122-370	AMD AMD–P	89-19-053 89-14-090	308-124H-030 308-126A-030	AMD AMD-P	89-11-032 89-15-058	308-177-110 308-177-110	AMD-E	89-14-009
308-122-370	AMD-F AMD	89-19-053	308-126A-030	AMD	89-18-038	308-177-110	AMD-P	89-14-104
308-122-380	AMD-P	89-14-090	308-128B-060	REP-P	89-23-042	308-177-110	AMD	89-17-071
308-122-380	AMD	89-19-053	308-128B-060	REP-W	89-24-031	308-177-110	AMD-P	90-01-128
308-122-390	AMD-P	89-14-090	308-128B-060	REP-P	89-24-077	308-177-115	NEW-E	89-14-009
308-122-390	AMD	89-19-053	308-128B-080	AMD-P	89-24-078	308-177-115	NEW-P	89-14-104
308-122-400	AMD-P	89-14-090 89-19-053	308-128E-010	REP-P REP	89-04-001 89-07-077	308–177–115 308–177–120	NEW NEW	89-17-071 89-03-035
308-122-400 308-122-410	AMD AMD–P	89-19-033 89-14-090	308-128E-010 308-128E-011	NEW-P	89-04-001	308-177-120	AMD-E	89-14-009
308-122-410	AMD-I AMD	89-19-053	308-128E-011	NEW	89-07-077	308-177-120	AMD-P	89-14-104
308-122-420	AMD-P	89-14-090	308-130-320	NEW-P	89-10-077	308-177-120	AMD	89-17-071
308-122-420	AMD	89-19-053	308-130-320	NEW	89-14-092	308-177-130	NEW	89-03-035
308-122-430	AMD-P	89-14-090	308-130-330	NEW-P	89-10-077	308-177-130	AMD-E	89-14-009
308-122-430	AMD	89-19-053	308-130-330	NEW	89-14-092	308-177-130	AMD-P	89-14-104 89-17-071
308-122-440	AMD-P AMD	89-14-090 89-19-053	308-130-340 308-130-340	NEW-P NEW	89-10-077 89-14-092	308-177-130 308-177-140	AMD NEW	89-03-035
308-122-440 308-122-450	AMD-P	89-14-090	308-130-340	NEW-P	89-10-077	308-177-150	NEW	89-03-035
308-122-450	AMD	89-19-053	308-130-350	NEW	89-14-092	308-177-150	REP-E	89-14-009
308-122-500	AMD-P	89-14-090	308-130-360	NEW-P	89-10-077	308-177-150	REP-P	89-14-104
308-122-500	AMD	89-19-053	308-130-360	NEW	89-14-092	308-177-150	REP	89-17-071
308-122-500	REP-E	89-21-050	308-130-370	NEW-P	89-10-077	308-177-160	NEW-E	89-14-009
308-122-500	REP-P NEW-P	89-21-051 89-14-090	308-130-370 308-130-380	NEW NEW-P	8914092 8910077	308-177-160 308-177-160	NEW-P NEW	89-14-104 89-17-071
308-122-503 308-122-503	NEW-P	89-19-053	308-130-380	NEW	89-14-092	308-177-180	NEW-E	89-14-009
308-122-503	REP-E	89-21-050	308-130-390	NEW-P	89-10-077	308-177-180	NEW-P	89-14-104
308-122-503	REP-P	89-21-051	308-130-390	NEW	89-14-092	308-177-180	NEW	89-17-071
308-122-550	NEW-P	89-14-090	308-130-400	NEW-P	89-10-077	308-177-190	NEW-E	89-14-009
308-122-550	NEW	89-19-053	308-130-400	NEW	89-14-092	308-177-190	NEW-P	89-14-104
308-122-550	REP-E REP-P	89-21-050 89-21-051	308-138-080 308-138A-020	AMD-P AMD-P	90-01-128 89-13-051	308-177-190 308-180-260	NEW AMD-P	89-17-071 90-01-128
308-122-550 308-122-555	NEW-P	89-14-090	308-138A-020	AMD	89-22-065	308-180-290	NEW-P	89-10-077
308-122-555	NEW	89-19-053	308-138A-025	AMD-P	89-19-054	308-180-290	NEW	89-14-092
308-122-555	REP-E	89-21-050	308-138A-025	AMD	89-23-067	308-180-300	NEW-P	89-10-077
308-122-555	REP-P	89-21-051	308-138A-070	NEW-P	89-13-051	308-180-300	NEW	89-14-092
308-122-560	NEW-P	89-14-090	308-138A-070	NEW	89-22-065	308-180-310	NEW-P	89-10-077
308-122-560 308-122-560	NEW REP-E	89-19-053 89-21-050	308-138A-080 308-138A-080	NEW-P NEW	89-13-051 89-22-065	308-180-310 308-180-320	NEW NEW-P	89-14-092 89-10-077
308-122-560	REP-P	89-21-051	308-138A-090	NEW-P	89-13-051	308-180-320	NEW	89-14-092
308-122-565	NEW-P	89-14-090	308-138A-090	NEW	89-22-065	308-180-330	NEW-P	89-10-077
308-122-565	NEW	89-19-053	308-150-014	AMD-P	89-06-073	308-180-330	NEW	89-14-092
308-122-565	REP-E	89-21-050	308-150-014	AMD	89-10-076	308-180-340	NEW-P	89-10-077
308-122-565	REP-P	89-21-051	308-152-030	AMD-P NEW-P	90-01-128 89-06-073	308-180-340 308-180-350	NEW NEW-P	89-14-092 89-10-077
308-122-570 308-122-570	NEW-P NEW	89-14-090 89-19-053	308-154-085 308-154-085	NEW-F	89-10-076	308-180-350	NEW	89-14-092
308-122-570	REP-E	89-21-050	308-156-200	NEW-P	89-06-073	308-180-360	NEW-P	89-10-077
308-122-570	REP-P	89-21-051	308-156-200	NEW	89-10-076	308-180-360	NEW	89-14-092
308-122-575	NEW-P	89-14-090	308-173-010	NEW-P	89-10-077	308-180-370	NEW-P	89-10-077
308-122-575	NEW	89-19-053	308-173-010	NEW	89-14-092	308-180-370	NEW	89-14-092
308-122-575	REP-E	89-21-050	308-173-020 308-173-020	NEW-P NEW	89-10-077 89-14-092	308-183-010	NEW-P	89-10-077
308-122-575 308-122-580	REP-P NEW-P	89-21-051 89-14-090	308-173-020	NEW-P	89-10-077	308-183-010 308-183-020	NEW NEW-P	89-14-092 89-10-077
308-122-580	NEW	89–19–053	308-173-070	NEW	89-14-092	308-183-020	NEW	89-14-092
308-122-580	REP-E	89-21-050	308-173-080	NEW-P	89-10-077	308-183-030	NEW-P	89-10-077
308-122-580	REP-P	89-21-051	308-173-080	NEW	89-14-092	308-183-030	NEW	89-14-092
308-124A-025	AMD-P	89-05-057	308-173-090	NEW-P	89–10–077	308-183-040	NEW-P	89–10–077
308-124A-025	AMD-E	89-07-004	308-173-090	NEW AMD-P	89-14-092 90-01-128	308-183-040 308-183-050	NEW NEW-P	89-14-092 89-10-077
308-124A-025 308-124A-460	AMD AMD-P	89-08-009 89-05-057	308-173-130 308-175-140	AMD-P AMD-P	90-01-128 90-01-128	308-183-050	NEW-P NEW	89-10-077 89-14-092
308-124A-460	AMD-F AMD-E	89-07-004	308-177-010	NEW-P	89-10-077	308-183-060	NEW-P	89-10-077
308-124A-460	AMD	89-08-009	308-177-010	NEW	89-14-092	308-183-060	NEW	89-14-092
308-124A-460	AMD-P	89-23-096	308-177-020	NEW-P	89-10-077	308-183-070	NEW-P	89-10-077
308-124C-040	AMD-P	89-22-068	308-177-020	NEW	89-14-092	308-183-070	NEW	89-14-092
308-124C-040	AMD	90-01-043	308-177-030	NEW-P	8910077	308-183-080	NEW-P	89-10-077

WAC #	. <u>. </u>	WSR #	WAC #		WSR #	WAC #		WSR #
308-183-080	NEW	89-14-092	308-210-130	NEW	89-14-092	308-400-046	AMD	89-06-078
308-190-010	AMD-P	90-01-128	308-210-140	NEW-P	89-10-077	308-400-046	AMD-P	89-21-077
308-190-030 308-190-030	AMD-P AMD	89-07-081 89-14-070	308-210-140 308-210-150	NEW NEW-P	89-14-092	308-400-046	AMD	89-24-022
308-190-040	AMD-P	89-07-081	308-210-150	NEW-P	89-10-077 89-14-092	308-400-047 308-400-047	AMD AMD-P	89–06–078 89–21–077
308-190-040	AMD	89-14-070	308-210-160	NEW-P	89-10-077	308-400-047	AMD	89-24-022
308-190-041	NEW-P	89-07-081	308-210-160	NEW	89-14-092	308-400-048	AMD	89-06-078
308-190-041	NEW	89-14-070	308-220-010	AMD	89-04-003	308-400-048	AMD-P	89-21-077
308-190-042 308-190-042	NEW-P NEW	89-07-081 89-14-070	308-220-030 308-220-090	AMD NEW-P	89-04-003 89-10-077	308-400-048	AMD	89-24-022
308-190-060	NEW-P	89-10-077	308-220-090	NEW-P	89-10-077 89-14-092	308-400-050 308-400-050	AMD AMD-P	89-06-078 89-21-077
308-190-060	NEW	89-14-092	308-220-100	NEW-P	89-10-077	308-400-050	AMD	89-24-022
308-190-070	NEW-P	89-10-077	308-220-100	NEW	89-14-092	308-400-052	AMD	89-06-078
308-190-070	NEW	89-14-092	308-220-110	NEW-P	89-10-077	308-400-052	AMD-P	89-21-077
308-190-080 308-190-080	NEW-P NEW	89-10-077 89-14-092	308-220-110 308-220-120	NEW NEW-P	89-14-092 89-10-077	308-400-052 308-400-058	AMD AMD	89-24-022 89-06-078
308-190-090	NEW-P	89-10-077	308-220-120	NEW -	89-14-092	308-400-059	AMD	89-06-078
308-190-090	NEW	89-14-092	308-220-130	NEW-P	89-10-077	308-400-095	AMD	89-06-078
308-190-100	NEW-P	89-10-077	308-220-130	NEW	89-14-092	308-400-095	AMD-P	89-21-077
308-190-100	NEW NEW-P	89-14-092 89-10-077	308-220-140 308-220-140	NEW-P	89-10-077	308-400-095	AMD	89-24-022
308-190-110 308-190-110	NEW-P	89-14-092	308-220-140	NEW NEW-P	89-14-092 89-10-077	308-400-095 308-400-095	AMD-E AMD-P	90-01-121 90-01-122
308-190-120	NEW-P	89-10-077	308-220-150	NEW	89-14-092	308-400-100	AMD	89-06-078
308-190-120	NEW	89-14-092	308-220-160	NEW-P	89-10-077	308-400-100	AMD-P	89-21-077
308-190-130	NEW-P	89-10-077	308-220-160	NEW	89-14-092	308-400-100	AMD	89-24-022
308-190-130 308-190-140	NEW NEW-P	89-14-092 89-10-077	308-220-170 308-220-170	NEW-P NEW	89-10-077 89-14-092	308-400-120 314-12-037	NEW NEW-W	89-06-078 89-07-015
308-190-140	NEW	89-14-092	308-230-060	NEW-P	89-14-092	314-12-037	NEW-W	89-07-013 89-07-015
308-195-030	AMD-P	89-05-058	308-230-060	NEW	89-14-092	314-12-175	NEW-C	89-11-033
308-195-030	AMD	89-09-006	308-230-070	NEW-P	89-10-077	314-12-175	NEW-C	89-13-050
308-195-120 308-195-120	NEW-P NEW	89-10-077 89-14-092	308-230-070 308-230-080	NEW NEW-P	89-14-092	314-12-175	NEW-P	89-14-040
308-195-130	NEW-P	89-10-077	308-230-080	NEW-F	89-10-077 89-14-092	314-12-175 314-12-175	NEW-E NEW-W	89-14-042 89-14-044
308-195-130	NEW	89-14-092	308-230-090	NEW-P	89-10-077	314-12-175	NEW-C	89–17–036
308-195-140	NEW-P	89-10-077	308-230-090	NEW	89-14-092	314-12-175	NEW	89-18-005
308-195-140	NEW NEW-P	89-14-092 89-10-077	308-230-100	NEW-P NEW	89-10-077	314-16-075	AMD-P	89-04-025
308-195-150 308-195-150	NEW-F	89-14-092	308-230-100 308-230-110	NEW-P	89-14-092 89-10-077	314-16-075 314-16-120	AMD AMD	8908014 8903045
308-195-160	NEW-P	89-10-077	308-230-110	NEW	89-14-092	314-16-250	NEW-P	89-14-041
308-195-160	NEW	89-14-092	308-230-120	NEW-P	89-10-077	314-16-250	NEW-E	89-14-043
308-195-170	NEW-P	89-10-077	308-230-120	NEW	89-14-092	314-16-250	NEW	89-17-037
308-195-170 308-195-180	NEW NEW-P	89-14-092 89-10-077	308-230-130 308-230-130	NEW-P NEW	8910077 8914092	314-20-030 314-20-030	AMD-P AMD	89-03-040 89-06-013
308-195-180	NEW	89-14-092	308-230-140	NEW-P	89-10-077	314-60-040	AMD-P	89-23-103
308-195-190	NEW-P	89-10-077	308-230-140	NEW	89-14-092	315-02-220	AMD-P	89-17-108
308-195-190	NEW D	89-14-092	308-310-010 308-310-020	AMD-P	90-01-128	315-02-220	AMD	89-21-029
308-195-210 308-195-210	NEW-P NEW	89-05-058 89-09-006	308-310-020	NEW NEW	89-05-019 89-05-019	315-06-020 315-06-020	AMD-P AMD	8909079 8912042
308-195-220	NEW-P	89-05-058	308-310-040	NEW	89-05-019	315-06-035	AMD	89-05-015
308-195-220	NEW	89-09-006	308-320	NEW-C	90-01-002	315-06-115	NEW-P	89-13-061
308-195-230	NEW-P	89-05-058	308-320-010	NEW-P	89-22-117	315-06-115	NEW	89-17-021
308-195-230 308-210-010	NEW AMDP	89-09-006 89-07-082	308-320-020 308-320-030	NEW-P NEW-P	89-22-117 89-22-117	315-06-120 315-06-120	AMD-P AMD	8909079 8912042
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308-210-030	AMD	89-14-071	308-320-060	NEW-P	89-22-117	315-10-030	AMD-P	89-17-108
308-210-040 308-210-040	AMD-P AMD	89-07-082 89-14-071	308-320-070 308-320-080	NEW-P NEW-P	89-22-117 89-22-117	315-10-030 315-10-060	AMD AMD-C	89-21-029 89-05-014
308-210-045	NEW-P	89-07-082	308-320-090	NEW-P	89-22-117	315-10-060	AMD-C	89-09-008
308-210-045	NEW	89-14-071	308-320-100	NEW-P	89-22-117	315–11–400	NEW	89-05-015
308-210-046	NEW-P	89-07-082	308-400	AMD	89-06-078	315-11-401	NEW	89-05-015
308-210-046 308-210-050	NEW AMD-P	89-14-071 89-07-082	308–400 308–400	AMD-P AMD	89-21-077 89-24-022	315-11-402 315-11-410	NEW NEW-P	89-05-015 89-06-084
308-210-050	AMD-F AMD	89-14-071	308-400-010	AMD	89-24-022 89-06-078	315-11-410	NEW-F	89-09-009
308-210-060	REP-P	89-07-082	308-400-010	AMD-P	89-21-077	315-11-411	NEW-P	89-06-084
308-210-060	REP	89-14-071	308-400-010	AMD	89-24-022	315-11-411	NEW	89-09-009
308-210-080	NEW-P	89-10-077	308-400-020	AMD	89-06-078	315-11-412	NEW-P	89-06-084
308-210-080 308-210-090	NEW NEW-P	89-14-092 89-10-077	308-400-025 308-400-025	AMD AMD-P	89-06-078 89-21-077	315-11-412 315-11-420	NEW NEW-P	89-09-009 89-06-084
308-210-090	NEW-F	89-14-092	308-400-025	AMD-F	89-21-077 89-24-022	315-11-420	NEW-P	89-09-009
308-210-100	NEW-P	89-10-077	308-400-030	AMD	89-06-078	315-11-421	NEW-P	89-06-084
308-210-100	NEW	89-14-092	308-400-040	AMD	89-06-078	315-11-421	NEW	89-09-009
308-210-110 308-210-110	NEW-P NEW	89-10-077 89-14-092	308-400-040 308-400-040	AMD-P AMD	89-21-077 89-24-022	315-11-422 315-11-422	NEW-P NEW	89-06-084 89-09-009
308-210-110	NEW-P	89-10-077	308-400-042	AMD-E	90-01-121	315-11-422	NEW-P	89-06-084
308-210-120	NEW	89-14-092	308-400-042	AMD-P	90-01-122	315–11–430	NEW	89-09-009
308-210-130	NEW-P	89-10-077	308-400-044	REP	89-06-078	315-11-431	NEW-P	89-06-084

WAC #		WSR #	WAC #	WSR #	WAC #	WSR #
315-11-431	NEW	89-09-009	315-31-030	AMD 89-12-0	42 316-02-300	AMD 90–01–115
315-11-432	NEW-P	89-06-084	315-31-040	AMD-P 89-09-0		AMD-E 89-18-062
315–11–432	NEW	89-09-009	315-31-040	AMD 89-12-0 AMD-P 89-09-0		AMD-P 89-22-126
315-11-440 315-11-440	NEW-P NEW	89-09-079 89-12-042	315-31-050 315-31-050	AMD-P 89-09-0 AMD 89-12-0		AMD 90-01-115 REP-E 89-18-062
315–11–441 315–11–441	NEW-P	89-09-079	315-31-060	AMD-P 89-09-0		REP-P 89-22-126
315-11-441	NEW	89-12-042	315-31-060	AMD 89-12-0		REP 90-01-115
315-11-442	NEW-P	89-09-079	315-32-050	AMD-P 89-09-0		REP-E 89-18-062
315-11-442	NEW	89-12-042	315-32-050	AMD 89-12-0		REP-P 89-22-126 REP 90-01-115
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316-65-555	AMD	90-01-119	332-130-020	AMD-C	89-08-021	356-18-020	AMD-C	89-03-056
316-65-560	AMD-E	89-21-057	332-130-020	AMD AMD-C	89-11-028 89-08-021	356-18-020	AMD AMD–C	89-06-028
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316-65-600	NEW-P	89-22-125	332-130-040	AMD-C	89-08-021	356-18-030	AMD	89-06-028
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316-75-050	AMD-P	89-22-060	332-130-070	AMD-E	90-01-063	356-18-050	AMD	89-15-028
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316-75-110	AMD-P	89–22–060	332-130-090	AMD-E	90-01-063	356-18-070	AMD	89-06-028
316-75-110 316-75-130	AMD RE-AD-P	9001120 8922060	332-130-100 332-130-100	NEW-C NEW	89–08–021 89–11–028	356-18-070 356-18-080	AMD-C AMD-C	89–10–036 89–03–056
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316-75-170 316-75-170	AMD-P AMD	89-22-060 90-01-120	352-32-010 352-32-010	AMD-P AMD	89-03-067 89-07-020	356-18-090 356-18-090	AMD-E AMD-P	89–09–040 89–10–039
316-75-190	AMD-P	8922-060	352-32-047	NEW-P	89-03-067	356-18-090	AMD-C	89-13-037
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316-75-210 316-75-210	AMD-P AMD	89-22-060 90-01-120	352–32–047 352–32–235	NEW AMD-P	89-07-098 89-24-076	356-18-090 356-18-110	AMD-E AMD-C	89-15-030 89-03-056
316-75-230	RE-AD-P	89-22-060	352-32-233	AMD-P	89-24-076 89-03-067	356-18-110	AMD-C	89-06-028
316-75-230	RE-AD	90-01-120	352-32-250	AMD	89-07-020	356-18-112	NEW-E	89-11-031
316-75-250 316-75-250	AMD-P	89-22-060	352-32-25001	AMD-P	89-19-066	356-18-112	NEW-P	89-11-089 89-13-009
316-75-250 316-75-270	AMD AMD-P	90-01-120 89-22-060	352–32–25001 352–32–251	AMD AMD-P	89-22-073 89-23-079	356-18-112 356-18-112	NEW-E NEW	89-13-009 89-16-029
316-75-270	AMD	90-01-120	352-64-020	AMD-P	90-01-145	356-18-116	AMD-C	89-03-056
316–75–290	REP-P	89-22-060	352-64-030	AMD-P	90-01-145	356-18-116	AMD	89–06–028

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356-18-120	AMD-C	89-11-030	360-16A-010	NEW-P	89-22-067	383-07-050	AMD-E	89-14-120
356-18-120	AMD-C	89-13-038	360-16A-020	NEW-P	89-22-067	383-07-050	AMD.	89-19-006
356-18-120	AMD-C AMD	89-19-060 89-21-055	360-16A-030 360-16A-040	NEW-P NEW-P	89-22-067 89-22-067	383-07-060 383-07-060	AMD-P AMD-E	89-14-119 89-14-120
356-18-120 356-18-140	AMD-C	89–21–055 89–03–056	360-16A-050	NEW-P	89-22-067 89-22-067	383-07-060	AMD-E AMD	89-14-120 89-19-006
356-18-140	AMD-C	89-06-028	360-16A-060	NEW-P	89-22-067	383-07-080	AMD-P	89-14-119
356-18-150	AMD-C	89-03-056	360-16A-070	NEW-P	89-22-067	383-07-080	AMD-E	89-14-120
356-18-150	AMD	8906028	360-16A-080	NEW-P	89-22-067	383-07-080	AMD	89-19-006
356-18-160	AMD-C	89-03-056	360-16A-090	NEW-P	89-22-067	383-07-090	AMD-P	89-14-119
356-18-160	AMD	89-06-028	360-16A-100	NEW-P	89-22-067	383-07-090	AMD-E	89-14-120
356-18-180 356-18-180	REP-C REP	89-03-056 89-06-028	360–17–055 360–17–055	AMD-C AMD-P	8904023 8908062	383-07-090 383-07-100	AMD AMD-P	89-19-006 89-14-119
356-18-220	AMD-C	89-03-056	360-17-055	AMD-1	89-12-011	383-07-100	AMD-E	89-14-120
356-18-220	AMD	89-06-028	360-18-020	AMD	89-04-015	38307-100	AMD	89-19-006
356-18-220	AMD-P	89-08-059	360-20-100	AMD-P	89-19-055	383-07-110	REP-P	89-14-119
356-18-220	AMD-C	89-11-042	360-20-100	AMD	89-22-047	383-07-110	REP-E	89-14-120
356-18-220	AMD-C	89-13-039	360-32-060	NEW-P	89-19-056	383-07-110	REP	89-19-006
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356-22-11001	REP-P	89-24-071	360-36-010	AMD	89-17-023	383-07-120	AMD-L AMD	89-19-006
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356-26-140	AMD-P	89-16-092 89-19-062	360-36-220	REP REP-P	89-17-023	388-07-005 388-07-005	AMD-P	89-09-030
356-26-140 356-30-025	AMD AMD	89-19-062 89-04-027	360–36–240 360–36–240	REP-P	89-12-082 89-17-023	388-07-003	AMD REP-E	89-12-078 89-14-099
356-30-023	AMD	89-04-027	360-36-250	AMD-P	89-12-082	388-08-00201	REP-P	89-22-080
356-30-067	AMD-P	89-10-062	360-36-250	AMD	89-17-023	388-08-00201	REP-E	89-22-087
356-30-067	AMD	89-14-026	360-36-260	AMD-P	89-12-082	388-08-00201	REP-C	89-23-062
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356-30-270	AMD	89-20-003	360-36-500	NEW-P	89-12-082	388-08-00601	REP-C	89-23-062
356-30-280	AMD-P	89-22-112	360-36-500	NEW	89-17-023	388-08-010	REP-E	89-14-099
356-30-280	AMD-C	90-01-106	360-44-010	AMD-P	89-04-058	388-08-010	REP-P	89-22-080
356-30-300 356-30-300	AMD-P AMD	89-20-037 89-23-070	360–44–010 360–44–040	AMD AMD-P	89-09-020 89-04-058	388-08-010 388-08-010	REP-E REP-C	89-22-087 89-23-062
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356-30-320	AMD-C	90-01-106	360-44-050	AMD-P	89-04-058	388-08-405	REP-P	89-22-080
356-34-015	NEW-P	89-16-053	360-44-050	AMD	89-09-020	388-08-405	REP-E	89-22-087
356-34-015	NEW-C	89-19-061	360-44-060	AMD-P	89-04-058	388-08-405	REP-C	89-23-062
356-34-030	AMD-P	89-22-111 90-01-111	360-44-060	AMD	89-09-020	388-08-406 388-08-406	REP-E	89-14-099 89-22-080
356-34-030 356-42-020	AMD AMD-C	89-03-059	360-44-080 360-44-080	AMD-P AMD	89-04-058 89-09-020	388-08-406	REP-P REP-E	89-22-080 89-22-087
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356-42-055	AMD-P	89-16-093	360-44-090	AMD	89-09-020	388-08-409	REP-E	89-14-099
356-42-055	AMD	89-19-063	360-44-100	AMD-P	89-04-058	388-08-409	REP-P	89-22-080
356-42-105	REP-C	89-03-059	360-44-100	AMD	89-09-020	388-08-409	REP-E	89-22-087
356-46-010 356-46-010	AMD-P AMD	89-22-115 90-01-109	360-44-130 360-44-130	AMD-P AMD	89-04-058 89-09-020	388-08-409 388-08-410	REP-C NEW-E	89-23-062 89-14-099
360-10-050	AMD-P	89-22-101	360-44-140	AMD-P	89-04-058	388-08-410	NEW-P	89-22-080
360-12-010	REP-P	89-12-081	360-44-140	AMD	89-09-020	388-08-410	NEW-E	89-22-087
360-12-010	REP	89-17-017	360-44-990	AMD-P	89-04-058	388-08-410	NEW-C	89-23-062
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360-12-015	AMD-P	89-19-059	360-52-110	NEW	89-04-015	388-08-413	AMD-P AMD-E	89-22-080 89-22 - 087
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360-15-010	NEW-P	89-22-066	365-40-041	AMD	89-21-056	388-08-416	REP-P	89-22-080
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360-15-030	NEW-P	89-22-066	365-40-051	AMD	89-21-056	388-08-416	REP-C	89-23-062
360-15-040 360-15-050	NEW-P NEW-P	89-22-066 89-22-066	365-40-061 365-40-061	REP-P REP	89-13-078 89-21-056	388-08-425 388-08-425	NEW-E NEW-P	89-14 - 099 89-22 - 080
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360-15-070	NEW-P	89-22-066	365-40-071	AMD	89-21-056	388-08-425	NEW-C	89-23-062
360-16-096	AMD-P	89-19-058	365-140-040	AMD-P	89-18-052	388-08-428	NEW-P	89-22-080
360-16-096	AMD	89-22-046	365-140-040	AMD	89-22-032	388-08-428	NEW-E	89-22-087
360-16-250	REP	89-04-016	381	AMD	89-08-018	388-08-428	NEW-C	89–23–062

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388-08-431 388-08-431	NEW-E NEW-C	89-22-087 89-23-062	388-08-565 388-08-575	NEW-C NEW-P	89-23-062 89-22-080	388-14-270 388-14-270	AMD-E AMD-P	89-14-098 89-22-081
388-08-434	NEW-E	89-14-099	388-08-575	NEW-E	89-22-087	388-14-270	AMD-E	89-22-090
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388-08-434	NEW-E	89-22-087	388-08-580	REP-E	89-14-099	388-14-275	NEW-E	89-07-052
388-08-434	NEW-C	89-23-062	388-08-580	REP-P	89-22-080	388-14-275	NEW-P	89-07-093
388-08-435 388-08-435	REP-E REP-P	89-14-099 89-22-080	388-08-580 388-08-580	REP-E REP-C	89-22-087 89-23-062	388-14-275 388-14-385	NEW AMD-E	89-10-070 89-14-098
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388-08-437	NEW-C	89-23-062	388-09-010	REP-P	89-22-080	388-14-390	AMD-E	89-22-090
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388-08-446	NEW-P	89-22-080	388-09-020	REP-C	89-23-062	388-15-130	AMD-P	89-03-048
388-08-446	NEW-E	89-22-087	388-09-030	REP-E	89-14-098	388-15-130	AMD	89-07-024
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38808449 38808449	NEW-E NEW-P	89-14-099 89-22-080	388-09-030 388-09-030	REP-E REP-C	89-22-087 89-23-062	388-15-132 388-15-134	AMD AMD–P	89-07-024 89-03-048
388-08-449	NEW-F	89-22-087	388-09-040	REP-E	89-14-098	388-15-134	AMD-F	89-07-024
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388-08-452	NEW-E	89-14-099	388-09-040	REP-E	89-22-087	388-15-207	AMD-E	89-14-086
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388-08-461	NEW-E	89-14-099	388-11-100	AMD-E	89-22-090	388-15-208	AMD	89-13-084
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388-08-461 388-08-464	NEW-C NEW-E	89-23-062 89-14-099	388-11-105 388-11-105	REP-P REP-E	89-22-081 89-22-090	388-15-209 388-15-212	AMD AMD-P	89-18-026 89-10-046
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388-08-464	NEW-C	89-23-062	388-11-180	AMD-P	89-22-081	388-15-215	AMD-P	89-14-078
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388-08-470	NEW-E	89-22-087	388-11-185	REP-E	89-14-098	388-15-216	NEW-P	89-14-078
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388-08-515	NEW-E	89-14-099	388-11-185	REP-E	89-22-090	388-15-216	NEW	89-18-026
388-08-515 388-08-515	NEW-P NEW-E	89-22-080 89-22-087	388-11-185 388-13-050	REP-C AMD-E	89-23-063 89-14-098	388-15-217 388-15-217	AMD-P AMD-E	8914078 8914086
388-08-515	NEW-C	89-23-062	388-13-050	AMD-P	89-22-081	388-15-217	AMD	89-18-026
388-08-525	NEW-E	89-14-099	388-13-050	AMD-E	89-22-090	388-15-810	NEW-P	89-14-080
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388-08-535	NEW-E	89-14-099	388-13-060	AMD-E	89-22-090	388-15-820	NEW-E	89-14-085
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392-129-060 392-129-060	NEW -P 89-21-100 NEW 90-01-141	392-137-065	RE-AD RE-AD-F	89-23-001 89-16-012	392-139-670 392-139-674	AMD NEW-P	89-23-121
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392-129-135	NEW-P 89-21-100	392-139-128	AMD-P	89-19-031	392-140-051	REP-P	89-14-036
392-129-135 392-129-140	NEW 90-01-141 NEW-P 89-21-100	392-139-128 392-139-129	AMD NEW-P	89-23-121 89-19-031	392-140-051	REP	89-18-077
392-129-140	NEW 90-01-141	392-139-129	NEW-P	89-23-121	392-140-052 392-140-052	REP-P REP	89-14-036 89-18-077
392-129-145	NEW-P 89-21-100	392-139-132	AMD-P	89-19-031	392-140-053	REP-P	89–14–036
392-129-145	NEW 90-01-141	392-139-132	AMD	89-23-121	392-140-053	REP	89-18-077
392-129-150	NEW-P 89-21-100	392-139-134	AMD-P	89-19-031	392-140-054	REP-P	89-14-036
392-129-150 392-137-001	NEW 90-01-141 RE-AD-P 89-16-012	392-139-134 392-139-156	AMD AMD-P	89-23-121 89-19-031	392-140-054 392-140-055	REP REP-P	89-18-077 89-14-036
392-137-001	RE-AD-E 89-16-016	392-139-156	AMD	89-23-121	392-140-055	REP	89-18-077
392-137-001	RE-AD 89-23-001	392-139-162	AMD-P	89-19-031	392-140-056	REP-P	89-14-036
392-137-002	RE-AD-P 89-16-012 RE-AD-E 89-16-016	392-139-162	AMD	89-23-121	392-140-056	REP	89-18-077
392–137–002 392–137–002	RE-AD 89-23-001	392-139-164 392-139-164	AMD-P AMD	89-19-031 89-23-121	392–140–057 392–140–057	REP-P REP	89-14-036 89-18 - 077
392-137-003	RE-AD-P 89-16-012	392-139-172	AMD-P	89-19-031	392-140-058	REP-P	89-14-036
392-137-003	RE-AD-E 89-16-016	392-139-172	AMD	89-23-121	392-140-058	REP	89-18-077
392-137-003	RE-AD 89-23-001	392-139-205	AMD-P	89-19-031	392-140-059	REP-P	89-14-036
392-137-010 392-137-010	RE-AD-P 89-16-012 RE-AD-E 89-16-016	392–139–205 392–139–215	AMD AMD-P	89-23-121 89-19-031	392-140-059 392-140-061	REP REP-P	89-18-077 89-14-036
392-137-010	RE-AD 89-23-001	392-139-215	AMD-F	89-23-121	392-140-061	REP-F	89-18-077
392-137-010	AMD-P 89-24-073	392-139-225	AMD-P	89-19-031	392-140-062	REP-P	89-14-036
392-137-015	RE-AD-P 89-16-012	392-139-225	AMD	89-23-121	392-140-062	REP	89-18-077
392-137-015 392-137-015	RE-AD-E 89-16-016 RE-AD 89-23-001	392–139–230 392–139–230	AMD-P AMD	89-19-031 89-23-121	392-140-063	REP-P REP	89-14-036
392-137-013	RE-AD-P 89-16-012	392-139-240	REP-P	89-19-031	392-140-063 392-140-064	REP-P	89-18-077 89-14-036
392-137-020	RE-AD-E 89-16-016	392-139-240	REP	89-23-121	392-140-064	REP	89–18–077
392-137-020	RE-AD 89-23-001	392–139–243	NEW-P	89-19-031	392-140-065	REP-P	89-14-036
392-137-025	RE-AD-P 89-16-012	392-139-243	NEW	89-23-121	392-140-065	REP	89-18-077
392-137-025 392-137-025	RE-AD-E 89-16-016 RE-AD 89-23-001	392–139–245 392–139–245	AMD-P AMD	89-19-031 89-23-121	392-140-066 392-140-066	REP-P REP	8914036 8918077
392-137-030	RE-AD-P 89-16-012	392-139-297	NEW-P	89-19-031	392-140-085	REP-P	89-14-036
392-137-030	RE-AD-E 89-16-016	392-139-297	NEW	89-23-121	392-140-085	REP	89-18-077
392-137-030	RE-AD 89-23-001	392-139-300	AMD-P	89-19-031	392-140-086	REP-P	89-14-036
392-137-035 392-137-035	RE-AD-P 89-16-012 RE-AD-E 89-16-016	392-139-300 392-139-310	AMD AMD-P	89-23-121 89-19-031	392-140-086	REP	89-18-077
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392-137-040	RE-AD-P 89-16-012	392-139-320	AMD-P	89-19-031	392-140-088	REP-P	89-14-036
392-137-040	RE-AD-E 89-16-016	392-139-320	AMD	89-23-121	392-140-088	REP	89-18-077
392-137-040	RE-AD 89-23-001	392-139-330	AMD-P	89-19-031	392-140-089	REP-P	89-14-036
392-137-045 392-137-045	RE-AD-P 89-16-012 RE-AD-E 89-16-016	392-139-330 392-139-340	AMD AMD-P	89-23-121 89-19-031	392-140-089 392-140-090	REP REP-P	89-18-077 89-14-036
392-137-045	RE-AD 89-23-001	392-139-340	AMD	89-23-121	392-140-090	REP	89–18–077
392-137-051	RE-AD-P 89-16-012	392-139-605	AMD-P	89-19-031	392-140-091	REP-P	89-14-036
392-137-051	RE-AD-E 89-16-016	392-139-605	AMD	89-23-121	392-140-091	REP	89-18-077
392-137-051 392-137-055	RE-AD 89-23-001 RE-AD-P 89-16-012	392-139-620 392-139-620	AMD-P AMD	89-19-031 89-23-121	392-140-092 392-140-092	REP-P REP	89-14-036 89-18 - 077
392-137-055	RE-AD-E 89-16-016	392-139-650	REP-P	89-19-031	392-140-092	REP-P	89-14-036
392-137-055	RE-AD 89-23-001	392-139-650	REP	89-23-121	392-140-093	REP	89-18-077
392–137–060	RE-AD-P 89-16-012	392-139-660	AMD-P	89-19-031	392-140-094	REP-P	89-14-036

WAC #		WSR #	WAC #		WSR #	WAC #		WSR #
392-140-094	REP	89-18-077	392–140–133	REP-P	89-14-036	392-140-177	NEW	90-01-143
392-140-095	REP-P	89-14-036	392-140-133	REP	89-18-077	392-140-178	NEW-P	89-21-099
392-140-095	REP REP-P	89-18-077	392-140-134	REP-P REP	89-14-036 89-18-077	392-140-178	NEW NEW-P	90-01-143
392-140-096 392-140-096	REP-P REP	89-14-036 89-18-077	392-140-134 392-140-135	REP-P	89-14-036	392-140-179 392-140-179	NEW-P	89-21-099 90-01-143
392-140-097 392-140-097	REP-P	89–14–036	392-140-135	REP	89-18-077	392-140-179	NEW-P	89-21-099
392-140-097	REP	89-18-077	392-140-136	REP-P	89-14-036	392-140-180	NEW	90-01-143
392-140-098	REP-P	89–14–036	392-140-136	REP	89-18-077	392-140-181	NEW-P	89-21-099
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392-140-099	REP	89-18-077	392-140-138	REP-P	89-14-036	392-140-182	NEW	90-01-143
392-140-100	REP-P	89-14-036	392-140-138	REP	89-18-077	392-140-183	NEW-P NEW	89-21-099 90-01-143
392-140-100 392-140-101	REP REP-P	89-18-077 89-14-036	392-140-139 392-140-139	REP-P REP	89-14-036 89-18-077	392-140-183 392-140-184	NEW-P	89-21-099
392-140-101	REP	89-18-077	392-140-140	RÉP-P	89-14-036	392-140-184	NEW	90-01-143
392-140-102	REP-P	89-14-036	392-140-140	REP	89-18-077	392-140-185	NEW-P	89-21-099
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392-140-104	REP-P	89-14-036	392-140-145	REP	89-18-077	392-140-190	NEW-P NEW-P	90-01-139 90-01-139
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392-140-105	REP	89-18-077	392-140-147	REP-P	89-14-036	392-140-193	NEW-P	90-01-139
392-140-106	REP-P	89-14-036	392-140-147	REP	89-18-077	392-140-194	NEW-P	90-01-139
392-140-106	REP	89-18-077	392-140-148	REP-P	89-14-036	392-140-195	NEW-P	90-01-139
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392-140-107	REP	89-18-077	392-140-149	REP-P	89-14-036	392-140-197	NEW-P	90-01-139
392-140-108	REP-P	89-14-036	392-140-149	REP	89-18-077	392-140-198	NEW-P NEW-P	90-01-139
392-140-108	REP REP-P	89-18-077 89-14-036	392-140-150 392-140-150	REP-P REP	89-14-036 89-18-077	392-140-199 392-140-200	NEW-P NEW-P	90-01-139 90-01-139
392-140-109 392-140-109	REP-P	89-14-036 89-18-077	392-140-150 392-140-151	REP-P	89-14-036	392-140-201	NEW-P	90-01-139
392-140-110	REP-P	89–14–036	392-140-151	REP	89–18–077	392-140-202	NEW-P	90-01-139
392-140-110	REP	89-18-077	392-140-152	REP-P	89-14-036	392-140-300	NEW-P	89-21-098
392-140-111	REP-P	89-14-036	392-140-152	REP	89-18-077	392-140-300	NEW	90-01-142
392-140-111	REP	89-18-077	392-140-153	REP-P	89-14-036	392-140-301	NEW-P	89-21-098
392-140-112	REP-P	89-14-036	392-140-153	REP	89-18-077	392-140-301 392-140-302	NEW NEW-P	90-01-142 89-21-098
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392-140-113	REP	89-18-077	392-140-155	REP-P	89-14-036	392-140-303	NEW-P	89-21-098
392-140-114	REP-P	89–14–036	392-140-155	REP	89-18-077	392-140-303	NEW	90-01-142
392-140-114	REP	89-18-077	392-140-156	REP-P	89-14-036	392-140-304	NEW-P	89-21-098
392-140-115	REP-P	89-14-036	392-140-156	REP	89-18-077	392-140-304	NEW	90-01-142
392-140-115	REP	89-18-077	392-140-157	REP-P	89-14-036	392-140-305	NEW-P	89-21-098
392-140-116	REP-P REP	89-14-036 89-18-077	392-140-157 392-140-158	REP REP-P	8918077 8914036	392–140–305 392–140–306	NEW D	90-01-142 89-21-098
392-140-116 392-140-117	REP-P	89-14-036	392-140-158	REP	89-18-077	392-140-306	NEW-P NEW	90-01-142
392-140-117	REP .	8918-077	392-140-159	REP-P	89–14–036	392-140-307	NEW-P	89-21-098
392-140-118	REP-P	89-14-036	392-140-159	REP	89-18-077	392-140-307	NEW	90-01-142
392-140-118	REP	89-18-077	392-140-160	AMD-E	89-12-040	392-140-308	NEW-P	89-21-098
392-140-119	REP-P	89-14-036	392-140-160	AMD-P	89-13-063	392-140-308	NEW	90-01-142
392-140-119	REP	89-18-077 89-14-036	392-140-160 392-140-160	REP-P AMD	89-14-036 89-17-022	392-140-309 392-140-309	NEW-P NEW	89-21-098 90-01-142
392-140-120 392-140-120	REP-P REP	89-18-036 89-18-077	392-140-161	REP-P	89–17–022 89–14–036	392-140-309	NEW-P	89-21-098
392-140-121	REP-P	89-14-036	392-140-162	REP-P	89-14-036	392-140-310	NEW	90-01-142
392-140-121	REP	89-18-077	392-140-163	REP-P	89-14-036	392-140-311	NEW-P	89-21-098
392-140-122	REPP	89-14-036	392-140-164	REP-E	89-12-040	392-140-311	NEW	90-01-142
392-140-122	REP	89-18-077	392-140-164	REP-P	89-13-063	392-140-312	NEW-P	89-21-098
392-140-123	REP-P	89-14-036	392-140-164	REP-P	89–14–036	392-140-312	NEW NEW-P	90-01-142 89-21-098
392-140-123 392-140-124	REP REPP	89-18-077 89-14-036	392-140-164 392-140-165	REP AMD-E	89-17-022 89-12-040	392-140-313 392-140-313	NEW-P	90-01-142
392-140-124	REP	89-18-077	392-140-165	AMD-P	89-13-063	392-140-314	NEW-P	89-21-098
392-140-125	REP-P	89-14-036	392-140-165	REP-P	89-14-036	392-140-314	NEW	90-01-142
392-140-125	REP	89-18-077	392-140-165	AMD	89-17-022	392-140-315	NEW-P	89-21-098
392-140-126	REP-P	89-14-036	392–140–166	REP-P	89-14-036	392-140-315	NEW	90-01-142
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392-140-127	REP-P	89-14-036	392-140-168	REP-P	89-14-036	392-140-316	NEW NEW-P	90-01-142 89-21-098
392-140-127 392-140-128	REP REP-P	89-18-077 89-14-036	392-140-169 392-140-170	REP-P REP-P	89-14-036 89-14-036	392-140-317 392-140-317	NEW-F NEW	90-01-142
392-140-128 392-140-128	REP-F	89–14–036 89–18–077	392-140-170 392-140-171	REP-P	89-14-036	392-140-317	NEW-P	89-21-098
392-140-129	REP-P	89-14-036	392-140-172	REP-P	89-14-036	392-140-318	NEW	90-01-142
392-140-129	REP	89-18-077	392-140-173	REP-P	89-14-036	392-140-319	NEW-P	89-21-098
392-140-130	REP-P	89-14-036	392-140-174	REP-P	89-14-036	392-140-319	NEW	90-01-142
392-140-130	REP	89-18-077	392-140-175	NEW-P	89-21-099	392-140-320	NEW-P	89-21-098
392-140-131	REP-P	89-14-036 89-18-077	392-140-175 392-140-176	NEW NEW-P	90-01-143 89-21-099	392-140-320 392-140-321	NEW NEW-P	90-01-142 89-21-098
392-140-131 392-140-132	REP REP-P	89–18–077 89–14–036	392-140-176 392-140-176	NEW-P	90-01-143	392-140-321	NEW-F NEW	90-01-142
392-140-132	REP	89-18-077	392–140–177	NEW-P	89-21-099	392-140-322	NEW-P	89-21-098
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WAC #		WSR #	WAC #		WSR #	WAC #		WSR #
392-140-322	NEW	90-01-142	392-142-085	NEW-E	90-01-144	392-142-215	NEW-E	89–18–050
392-140-323 392-140-323	NEW-P NEW	89-21-098 90-01-142	392-142-090 392-142-090	NEW-P NEW-E	89-18-049	392-142-215 392-142-220	NEW-E NEW-P	9001144 8918049
392-140-323	NEW-P	89-21-098	392-142-090	NEW-E	89-18-050 90-01-144	392-142-220	NEW-E	89-18-050
392-140-324	NEW	90-01-142	392-142-095	NEW-P	89-18-049	392-142-220	NEW-E	90-01-144
392-140-325	NEW-P	89-21-098	392-142-095	NEW-E	89-18-050	392-142-225	NEW-P	89-18-049
392-140-325	NEW	90-01-142	392-142-095	NEW-E	90-01-144	392-142-225	NEW-E	89-18-050
392-140-326 392-140-326	NEW-P NEW	8921098 9001142	392-142-100 392-142-100	NEW-P NEW-E	89-18-049 89-18-050	392-142-225 392-142-230	NEW-E NEW-P	90-01-144 89-18-049
392-140-327	NEW-P	89-21-098	392-142-100	NEW-E	90-01-144	392-142-230	NEW-E	89-18-050
392-140-327	NEW	90-01-142	392-142-105	NEW-P	89-18-049	392-142-230	NEW-E	90-01-144
392-140-328	NEW-P	89-21-098	392-142-105	NEW-E	89-18-050	392-142-235	NEW-P	89-18-049
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392-140-329 392-140-329	NEW-F	90-01-142	392-142-110	NEW-F NEW-E	89-18-049 89-18-050	392-142-233	NEW-E	89-18-049
392-140-330	NEW-P	89-21-098	392-142-110	NEW-E	90-01-144	392-142-240	NEW-E	89-18-050
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392-140-331	NEW-P	89-21-098	392-142-115	NEW-E NEW-E	89-18-050	392-142-245	NEW-P	89-18-049
392-140-331 392-140-332	NEW NEW-P	90–01–142 89–21–098	392-142-115 392-142-120	NEW-E	90-01-144 89-18-049	392-142-245 392-142-245	NEW-E NEW-E	89-18-050 90-01-144
392-140-332	NEW	90-01-142	392-142-120	NEW-E	89-18-050	392-142-250	NEW-P	89-18-049
392-140-333	NEW-P	89-21-098	392-142-120	NEW-E	90-01-144	392-142-250	NEW-E	89-18-050
392-140-333	NEW	90-01-142	392-142-125	NEW-P	89-18-049	392-142-250	NEW-E	90-01-144
392-140-334 392-140-334	NEW-P NEW	89-21-098 90-01-142	392-142-125 392-142-125	NEW-E NEW-E	89-18-050 90-01-144	392-142-255 392-142-255	NEW-P NEW-E	89-18-049 89-18-050
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392-142-005 392-142-005	AMD-E AMD-E	8918050 9001144	392-142-135 392-142-135	NEW-P NEW-E	8918049 8918050	392-142-260 392-142-265	NEW-E NEW-P	90-01-144 89-18-049
392-142-003 392-142-010	AMD-E	89–18–049	392-142-135	NEW-E	90-01-144	392-142-265	NEW-F	89-18-050
392-142-010	AMD-E	89-18-050	392-142-140	NEW-P	89-18-049	392-142-265	NEW-E	90-01-144
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392-142-025 392-142-025	REP-E	89-18-050	392-142-155	NEW-E	89-18-049	392-168-110	RE-AD-E	89-23-001
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392-171-701	RE-AD-E 89-16-016	392-190-003	RE-AD-P 89-16-012	392-196-066	NEW-E	89-16-017
392-171-701	RE-AD 89-23-001	392-190-070	RE-AD-E 89-16-016	392-196-066	NEW	89-22-004
392-171-706	RE-AD-P 89-16-012	392-190-070	RE-AD 89-23-001	392-196-070	AMD-P	89-16-013
392-171-706	RE-AD-E 89-16-016 RE-AD 89-23-001	392-190-075 392-190-075	RE-AD-P 89-16-012 RE-AD-E 89-16-016	392-196-070 392-196-070	AMD-E AMD	89-16-017 89-22-004
392-171-706 392-171-711	RE-AD 89-23-001 RE-AD-P 89-16-012	392-190-075	RE-AD-E 89-10-010 RE-AD 89-23-001	392-196-075	AMD-P	89-16-013
392-171-711	RE-AD-E 89-16-016	392-190-080	RE-AD-P 89-16-012	392-196-075	AMD-E	89-16-017
392-171-711	RE-AD 89-23-001	392-190-080	RE-AD-E 89-16-016	392-196-075	AMD	89-22-004
392-171-716	RE-AD-P 89-16-012	392-190-080	RE-AD 89-23-001 AMD-E 89-18-044	392-196-080	AMD-P AMD-E	89-16-013
392-171-716 392-171-716	RE-AD-E 89-16-016 RE-AD 89-23-001	392-191-001 392-191-001	AMD-E 89-18-044 AMD-P 89-19-080	392-196-080 392-196-080	AMD-E AMD	89-16-017 89-22-004
392-171-710	RE-AD-P 89-16-012	392-191-005	AMD-E 89-18-044	392-196-085	AMD-P	89–16–013
392-171-721	RE-AD-E 89-16-016	392-191-005	AMD-P 89-19-080	392-196-085	AMD-E	89-16-017
392-171-721	RE-AD 89-23-001	392-191-010	AMD-E 89-18-044	392-196-085	AMD	89-22-004
392-171-726	RE-AD-P 89-16-012 RE-AD-E 89-16-016	392-191-010 392-191-020	AMD-P 89-19-080 AMD-E 89-18-044	392–196–090 392–196–090	AMD-P AMD-E	89-16-013 89-16-017
392-171-726 392-171-726	RE-AD 89-23-001	392-191-020	AMD-P 89-19-080	392-196-090	AMD-E	89-22-004
392-171-731	RE-AD-P 89-16-012	392-191-025	NEW-E 89-18-044	392-196-095	NEW-P	89-16-013
392-171-731	RE-AD-E 89-16-016	392-191-025	NEW-P 89-19-080	392-196-095	NEW-E	89-16-017
392-171-731	RE-AD 89-23-001	392-191-030 392-191-030	NEW-E 89-18-044 NEW-P 89-19-080	392–196–095 392–196–100	NEW NEW-P	89-22-004 89-16-013
392-171-736 392-171-736	RE-AD-P 89-16-012 RE-AD-E 89-16-016	392-191-030 392-191-035	NEW-P 89-19-080 NEW-E 89-18-044	392-196-100	NEW-P	89–16–013 89–16–017
392–171–736	RE-AD 89-23-001	392-191-035	NEW-P 89-19-080	392-196-100	NEW	89-22-004
392-171-741	RE-AD-P 89-16-012	392-191-040	NEW-E 89-18-044	392-196-105	NEW-P	89-16-013
392-171-741	RE-AD-E 89-16-016	392-191-040	NEW-P 89-19-080	392-196-105	NEW-E	89–16–017

WAC #		WSR #	WAC #		WSR #	WAC #		WSR #
392-196-105	NEW	89-22-004	419-72-040	NEW-P	89-11-095	440–44–043	NEW	89-16-064
392-196-110	NEW-P	89-16-013	419-72-040	NEW-C	89-22-040	44044050	AMD-P	89-12-076
392-196-110	NEW-E	89-16-017	419-72-040	NEW	89-24-085	440-44-050	AMD-E	89-14-061 89-16-064
392-196-110	NEW	89-22-004 89-16-014	419-72-045 419-72-045	NEW-P NEW-C	89-11-095 89-22-040	440-44-050 446-20-285	AMD AMD-E	89–14–038
392-202-003 392-202-003	AMD-P AMD	89-19-032	419-72-045	NEW-C	89-24-085	446-20-285	AMD-P	89-19-045
392-202-003 392-202-005	AMD-P	89-16-014	419-72-043	NEW-P	89-11-095	446-20-285	AMD-E	89-19-046
392-202-005	AMD	89-19-032	419-72-050	NEW-C	89-22-040	446-20-285	AMD	89-23-017
392-202-010	AMD-P	89-16-014	419-72-050	NEW	89-24-085	446-40-020	AMD-E	89-10-011
392-202-010	AMD	89-19-032	419-72-055	NEW-P	89-11-095	446-40-020	AMD	89-10-015
392-202-015	AMD-P	89-16-014	419-72-055	NEW-C	89~22-040	446-40-025	NEW-E NEW	89-10-011 89-10-015
392-202-015	AMD	89-19-032	419-72-055 419-72-060	NEW NEW-P	89-24-085 89-11-095	446–40–025 456–08–001	REP-P	89-06-062
392–202–070 392–202–070	AMD-P AMD	89-16-014 89-19-032	419-72-060	NEW-C	89-22-040	456-08-001	REP	89-10-055
392-202-075	AMD-P	89-16-014	419-72-060	NEW	89-24-085	456-08-002	REP-P	89-06-062
392-202-075	AMD	89-19-032	419-72-065	NEW-P	89-11-095	456-08-002	REP	89-10-055
392-202-080	AMD-P	89-16-014	419-72-065	NEW-C	89-22-040	45608003	REP-P	89-06-062
392-202-080	AMD	89-19-032	419-72-065	NEW	89-24-085	456-08-003	REP-E REP	89-07-031 89-10-055
392-202-085	AMD-P	89-16-014	419-72-070 419-72-070	NEW-P NEW-C	89-11-095 89-22-040	456-08-003 456-08-004	REP-P	89-06-062
392-202-085 392-202-095	AMD AMD-P	89-19-032 89-16-014	419-72-070	NEW-C	89-24-085	456-08-004	REP-E	89-07-031
392-202-095	AMD	89-19-032	419-72-075	NEW-P	89-11-095	456-08-004	REP	89-10-055
392-202-110	AMD-P	89-16-014	419-72-075	NEW-C	89-22-040	456-08-005	REP-P	89-06-062
392-202-110	AMD	89-19-032	419-72-075	NEW	89-24-085	456-08-005	REP	89-10-055
392-202-115	AMD-P	89-16-014	419–72–080	NEW-P	89-11-095	456-08-006	REP-P	89-06-062
392-202-115	AMD	89-19-032	419-72-080	NEW-C NEW	89-22-040 89-24-085	456–08–006 456–08–007	REP REP-P	89–10–055 . 89–06062
399-30-020 399-30-020	AMD-P AMD-C	89-02-057 89-06-057	41972080 41972090	NEW-P	89-24-085 89-11-095	456-08-007	REP	89-10-055
399-30-020 399-30-020	AMD-C	89-10-041	419-72-090	NEW-C	89-22-040	456-08-010	REP-P	89-06-062
399-30-025	NEW-P	89-02-057	419-72-090	NEW	89-24-085	456-08-010	REP	89-10-055
399-30-045	NEW-C	89-06-057	419-72-095	NEW-P	89-11-095	456-08-040	REP-P	89-06-062
399-30-045	NEW _	89-10-041	419-72-095	NEW-C	89-22-040	456-08-040	REP	89-10-055
399-30-050	AMD-P	89-02-057	419–72–095	NEW NEW-P	89-24-085 89-15-036	456–08–045 456–08–045	REPP REP	89-06-062 89-10-055
399–30–050 399–30–050	AMD–C AMD	8906057 8910041	434-04-010 434-04-010	NEW-P	8920-031	456~08~070	REP-P	89-06-062
399-30-050	AMD-P	89-02-057	434-04-015	NEW-P	89-15-036	456-08-070	REP	89-10-055
399–30–065	NEW-P	89-06-057	434-04-015	NEW	89-20-031	456-08-080	REP-P	89-06-062
399-30-065	NEW	89-10-041	434-04-017	NEW-P	89-15-036	456-08-080	REP	89-10-055
419-64-010	NEW	89-04-050	434-04-017	NEW	89-20-031	456-08-090	REP-P REP	89-06-062 89-10-055
419-64-020	NEW NEW	8904050 8904050	434-04-020 434-04-020	NEW-P NEW	8915-036 8920031	456-08-090 456-08-092	REP-P	89-06-062
419–64–030 419–64–040	NEW	89-04-050	434-04-030	NEW-P	89-15-036	456-08-092	REP	89-10-055
419-64-050	NEW	89-04-050	434-04-030	NEW	89-20-031	456-08-150	REP-P	89-06-062
419-64-060	NEW	8904050	434-04-040	NEW-P	89-15-036	456-08-150	REP	89-10-055
419-64-070	NEW	89-04-050	434-04-040	NEW	89-20-031	456-08-160	REP-P	89-06-062
419-64-080	NEW	89-04-050	434-04-050	NEW-P NEW	89-15-036 89-20-031	456-08-160 456-08-170	REP REP–P	89–10–055 89–06–062
419-64-090 419-70-010	NEW NEW-P	89-04-050 89-11-094	434-04-050 434-04-060	NEW-P	89-15-036	456-08-170	REP	89-10-055
419-70-010	NEW	89–16–083	434-04-060	NEW	89-20-031	456-08-180	REP-P	89-06-062
419-70-020	NEW-P	89-11-094	434-04-070	NEW-P	89-15-036	456-08-180	REP	89-10-055
419-70-020	NEW	89-16-083	434-04-070	NEW	89-20-031	456-08-190	REP-P	89-06-062
419-70-030	NEW-P	89-11-094	434-04-075	NEW-P	89-15-036 89-20-031	456–08–190 456–08–200	REP REP-P	89-10-055 89-06-062
419-70-030 419-70-040	NEW NEWP	89-16-083 89-11-094	434–04–075 434–04–080	NEW NEW-P	89-20-031 89-15-036	456-08-200	REP-P	89-10-055
419-70-040	NEW	89–16–083	434-04-080	NEW	89-20-031	456-08-220	REP-P	89-06-062
41970050	NEW-P	8911094	434-04-090	NEW-P	89-15-036	456-08-220	REP	89-10-055
419-70-050	NEW	89-16-083	434–04–090	NEW	89-20-031	456-08-230	REP-P	89-06-062
419–72	NEW-C	89-16-084	440-44-023	AMD-P	89-12-076	456-08-230	REP	89–10–055
419–72	NEW-C	89-19-034 8911-095	440-44-023	AMD-E AMD	89-14-061 89-16-064	456–08–240 456–08–240	REP–P REP	89–06–062 89–10–055
419-72-010 419-72-010	NEW-P NEW-C	89-11-095 89-22-040	440–44–023 440–44–028	NEW-P	89-23-030	456-08-250	REP-P	89-06-062
419-72-010	NEW	89-24-085	440-44-030	AMD-P	89-17-051	456-08-250	REP	89-10-055
419-72-015	NEW-P	89-11-095	440-44-030	AMD-E	89-17-052	456-08-260	REP-P	89-06-062
419-72-015	NEW-C	8922-040	440-44-030	AMD	89-21-042	456-08-260	REP	89-10-055
419–72–015	NEW	89-24-085	440-44-040	AMD-P	89-12-076	456-08-270	REP-P	89-06-062
419–72–020 419–72–020	NEW-P NEW-C	89-11-095 89-22-040	440 <u>44</u> 040 440 <u>44</u> 040	AMD-E AMD	89-14-061 89-16-064	456–08–270 456–08–280	REP REP-P	89-10-055 89-06-062
419-72-020	NEW-C	89-24-085	440-44-041	NEW-P	89-12-076	456-08-280	REP	89-10-055
419-72-025	NEW-P	89-11-095	440-44-041	NEW-E	89-14-061	456-08-290	REP-P	89-06-062
419–72–025	NEW-C	89-22-040	440-44-041	NEW	89-16-064	456-08-290	REP	89-10-055
419-72-025	NEW	89-24-085	440-44-042	NEW-P	89-12-076	456-08-300	REP-P	89-06-062
419-72-030	NEW-P	89-11-095	440-44-042	NEW-E	89-14-061 89-17-026	456–08–300 456–08–310	REP REP-P	89–10–055 89–06–062
419-72-030 419-72-030	NEW-C NEW	89-22-040 89-24-085	440-44-042 440-44-042	NEW-P NEW-E	89-17-026 89-17-027	456-08-310	REP	89–00–002 89–10–055
419-72-035	NEW-P	89-11-095	440-44-042	NEW	89-21-040	456-08-320	REP-P	89-06-062
419-72-035	NEW-C	89-22-040	440-44-043	NEW-P	89-12-076	456-08-320	REP	89-10-055
419-72-035	NEW	8924085	440-44-043	NEW-E	89-14-061	456-08-330	REP-P	89-06-062

WAC #		WSR #	WAC #	- 17	WSR #	WAC #		WSR #
456-08-330	REP	89-10-055	456-09-130	NEW-P	89-06-063	456-09-645	NEW	89-10-056
456-08-340	REP-P	89-06-062	456-09-130	NEW	89-10-056	456-09-650	NEW-P	89-06-063
456-08-340	REP	89-10-055	456-09-140	NEW~P	89-06-063	456-09-650	NEW	89-10-056
456-08-350	REP-P	89-06-062	456-09-140	NEW	89-10-056	456-09-655	NEW-P	89-06-063
456-08-350	REP REP-P	89–10–055	456-09-150	NEW-P	89-06-063	456-09-655	NEW	89-10-056
456-08-360 456-08-360	REP-P	89-06-062 89-10-055	456-09-150 456-09-160	NEW NEW-P	89-10-056	456-09-705	NEW-P	89-06-063
456-08-365	REP-P	89-06-062	456-09-160	NEW-P	89-06-063 89-10-056	456-09-705 456-09-710	NEW NEW-P	89-10-056 89-06-063
456-08-365	REP	89-10-055	456-09-170	NEW-P	89-06-063	456-09-710	NEW-P	89-10-056
456-08-370	REP-P	89-06-062	456-09-170	NEW	8910056	456-09-715	NEW-P	89-06-063
456-08-370	REP	8910055	456-09-210	NEW-P	89-06-063	456-09-715	NEW	89-10-056
456-08-380	REP-P	89-06-062	456-09-210	NEW	89-10-056	456-09-720	NEW-P	89-06-063
456-08-380	REP	89-10-055	456-09-220	NEW-P	89-06-063	456-09-720	NEW	89-10-056
456-08-400 456-08-400	REP-P REP	89-06-062	456-09-220	NEW NEW-P	89-10-056	456-09-725	NEW-P	89-06-063
456-08-401	REP-P	89-10-055 89-06-062	456-09-230 456-09-230	NEW-P	89-06-063 89-10-056	456-09-725 456-09-730	NEW NEW-P	89-10-056 89-06-063
456-08-401	REP	89-10-055	456-09-310	NEW-P	89-06-063	456-09-730	NEW-P	89-10-056
456-08-405	REP-P	8906062	456-09-310	NEW	89-10-056	456-09-735	NEW-P	89-06-063
456-08-405	REP	89-10-055	456-09-315	NEW-P	89-06-063	456-09-735	NEW	89-10-056
456-08-408	REP-P	89-06-062	456-09-315	NEW	89-10-056	456-09-740	NEW-P	89-06-063
456-08-408	REP	89-10-055	456-09-320	NEW-P	89-06-063	456-09-740	NEW	89-10-056
456-08-420	REP-P	89-06-062	456-09-320	NEW	89-10-056	456-09-745	NEW-P	89-06-063
456-08-420 456-08-430	REP REP-P	89-10-055 89-06-062	456–09–325 456–09–325	NEW-P NEW	89-06-063 89-10-056	456-09-745 456-09-750	NEW NEW-P	89-10-056
456-08-430	REP	89-10-055	456-09-330	NEW-P	89-06-063	456-09-750	NEW-P NEW	89-06-063 89-10-056
456-08-510	REP-P	89-06-062	456-09-330	NEW	89-10-056	456-09-755	NEW-P	89-06-063
456-08-510	REP	89-10-055	456-09-335	NEW-P	89-06-063	456-09-755	NEW	89-10-056
456-08-520	REP-P	89-06-062	456-09-335	NEW	89-10-056	456-09-760	NEW-P	89-06-063
456-08-520	REP	89-10-055	456-09-340	NEW-P	89-06-063	456-09-760	NEW	89-10-056
456-08-532	REP-P	8906062	456-09-340	NEW	89-10-056	456-09-765	NEW-P	89-06-063
456-08-532 456-08-535	REP REP-P	89-10-055 89-06-062	456-09-345	NEW-P	89-06-063	456-09-765	NEW	89-10-056
456-08-535	REP	89-10-055	456–09–345 456–09–350	NEW NEW-P	89-10-056 89-06-063	456-09-770 456-09-770	NEWP NEW	89-06-063
456-08-540	REP-P	89-06-062	456-09-350	NEW	89-10-056	456-09-775	NEW-P	89–10–056 89–06–063
456-08-540	REP	89-10-055	456-09-355	NEW-P	89-06-063	456-09-775	NEW	89-10-056
456-08-600	REP-P	8906062	456-09-355	NEW	89-10-056	45609910	NEW-P	89-06-063
456-08-600	REP	89-10-055	456-09-360	NEW-P	89-06-063	456-09-910	NEW	89-10-056
456-08-610	REP-P	89-06-062	456-09-360	NEW	89–10–056	456-09-915	NEW-P	89-06-063
456-08-610 456-08-620	REP REP-P	89-10-055 89-06-062	456-09-365 456-09-365	NEW-P NEW	89-06-063	456-09-915	NEW	89-10-056
456-08-620	REP	89-10-055	456-09-410	NEW-P	89-10-056 89-06-063	45609920 45609920	NEW-P NEW	89-06-063 89-10-056
456-08-630	REP-P	89-06-062	456-09-410	NEW	89-10-056	456-09-925	NEW-P	89-06-063
456-08-630	REP	89-10-055	456-09-420	NEW-P	89-06-063	456-09-925	NEW	89-10-056
456-08-635	REP-P	89-06-062	456-09-420	NEW	89-10-056	456-09-930	NEW-P	89-06-063
456-08-635	REP	89-10-055	456-09-430	NEW-P	89-06-063	456-09-930	NEW	89-10-056
456-08-640 456-08-640	REP-P REP	89-06-062	456-09-430	NEW NEW-P	89–10–056	456-09-935	NEW-P	89-06-063
456-08-650	REP-P	89-10-055 89-06-062	456-09-440 456-09-440	NEW-P	89-06-063 89-10-056	456-09-935 456-09-940	NEW NEW-P	89-10-056 89-06-063
456-08-650	REP	8910055	456-09-510	NEW-P	89-06-063	456-09-940	NEW-F	89-10-056
456-08-660	REP-P	89-06-062	456-09-510	NEW	89-10-056	456-09-945	NEW-P	89-06-063
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456-08-670	REP-P	89-06-062	456-09-520	NEW	89-10-056	456-09-950	NEW-P	89-06-063
456-08-670	REP	89-10-055	456-09-530	NEW-P	89-06-063	456-09-950	NEW	89-10-056
456-08-700 456-08-700	REP-P REP	89-06-062 89-10-055	456-09-530 456-09-540	NEW D	89-10-056	456-09-955	NEW-P	89-06-063
456-08-705	REP-P	89-06-062	456-09-540	NEW-P NEW	89-06-063 89-10-056	456-09-955 456-09-970	NEW NEW-P	89-10-056 89-06-063
456-08-705	REP	89-10-055	456-09-550	NEW-P	8906063	456-09-970	NEW	89-10-056
456-08-710	REP-P	89-06-062	456-09-550	NEW	89–10–056	456-10-010	NEW-P	89-06-064
456-08-710	REP	89-10-055	456-09-560	NEW-P	89-06-063	456-10-010	NEW	89-10-057
456-08-715	REP-P	89-06-062	456-09-560	NEW	89-10-056	456-10-110	NEW-P	89-06-064
456-08-715	REP	89-10-055	456-09-570	NEW-P	89-06-063	456-10-110	NEW	89-10-057
456-08-720 456-08-720	REP-P REP	89-06-062 89-10-055	456-09-570 456-09-610	NEW NEW-P	89-10-056 89-06-063	456-10-120	NEW-P	89-06-064
456-08-725	REP-P	89-06-062	456-09-610	NEW-P	89-06-063 89-10-056	456-10-120 456-10-130	NEW NEW-P	89-10-057 89-06-064
456-08-725	REP	89-10-055	456-09-615	NEW-P	89-06-063	456-10-130	NEW	89-10-057
456-08-730	REP-P	89-06-062	456-09-615	NEW	89-10-056	456-10-140	NEW-P	89-06-064
456-08-730	REP	89-10-055	456-09-620	NEW-P	89-06-063	456-10-140	NEW	89-10-057
456-08-735	REP-P	89-06-062	456-09-620	NEW	89-10-056	456-10-150	NEW-P	89-06-064
456-08-735	REP	89–10–055	456-09-625	NEW-P	89-06-063	456-10-150	NEW	89-10-057
456-08-740 456-08-740	REP-P REP	89-06-062 89-10-055	456-09-625 456-09-630	NEW NEW-P	89-10-056 89-06-063	456-10-160 456-10-160	NEW-P NEW	89-06-064
456-09-010	NEW-P	89-06-063	456-09-630	NEW-P	89-06-063 89-10-056	456-10-170	NEW-P	89-10-057 89-06-064
456-09-010	NEW	89-10-056	456-09-635	NEW-P	89-06-063	456-10-170	NEW	89-10-057
456-09-110	NEW-P	89-06-063	456-09-635	NEW	89-10-056	456-10-180	NEW-P	89-06-064
456-09-110	NEW	89-10-056	456-09-640	NEW-P	89-06-063	456-10-180	NEW	89-10-057
456-09-120	NEW-P	89-06-063	456-09-640	NEW	89–10–056	456-10-210	NEW-P	89-06-064
456-09-120	NEW	89-10-056	456–09–645	NEW-P	89-06-063	456–10–210	NEW	89–10–057

WAC #		WSR #	WAC #		WSR #	WAC #		WSR #
456–10–220	NEW-P	89-06-064	456–10–750	NEW-P	89-06-064	458-14-130	REP-P	89-07-087
456-10-220	NEW	89-10-057	456-10-750	NEW	89-10-057	458-14-135	REP-P	89-07-087
456-10-230	NEW-P	89-06-064	456–10–755	NEW-P	89-06-064	458-14-140	REP-P	89-07-087
456-10-230	NEW	89-10-057	456-10-755	NEW	89-10-057	458-14-145	REP-P REP-P	89-07-087 89-07-087
456-10-310	NEW-P	89-06-064	456-10-970 456-10-970	NEW-P NEW	89-06-064 89-10-057	458-14-150 458-14-152	REP-P	89-07-087 89-07-087
456-10-310 456-10-315	NEW NEW-P	89-10-057 89-06-064	456-12-010	NEW-P	89-06-065	458-14-155	REP-P	89-07-087
456-10-315	NEW-F	89-10-057	456-12-010	NEW	89-10-058	458-14-160	NEW-P	89-07-087
456-10-320	NEW-P	89-06-064	456-12-020	NEW-P	89-06-065	458-16-115	NEW-P	89-05-052
456-10-320	NEW	8910057	456-12-020	NEW	89-10-058	458-16-115	NEW-W	89-08-036
456-10-325	NEW-P	89-06-064	456–12–030	NEW-P	89-06-065	458-16-115	NEW-E	89-08-037
456–10–325	NEW	89–10–057 89–06–064	456-12-030	NEW NEW-P	89-10-058 89-06-065	458-16-115 458-16-115	NEW-P NEW	8909074 8912013
456–10–330 456–10–330	NEW-P NEW	89-06-064 89-10-057	456-12-040 456-12-040	NEW-P	89-10-058	458-18-220	AMD	89-10-067
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456-10-335	NEW	89-10-057	456-12-050	NEW	89-10-058	458-19-005	NEW-P	89-18-092
456-10-340	NEW-P	89–06–064	456-12-060	NEW-P	89-06-065	458-19-005	NEW-W	90-01-022
456-10-340	NEW	89-10-057	456-12-060	NEW	89-10-058	458-19-005	NEW-E NEW-E	90-01-023 90-01-041
456-10-345 456-10-345	NEW-P NEW	89-06-064 89-10-057	456-12-070 456-12-070	NEW-P NEW	89-06-065 89-10-058	458–19–005 458–19–010	NEW-E	89-18-024
456-10-350	NEW-P	89-06-064	456-12-080	NEW-P	89-06-065	458-19-015	NEW-W	89-18-024
456–10–355	NEW-P	89-06-064	456-12-080	NEW	89-10-058	458-19-020	NEW-W	89-18-024
456-10-355	NEW	89-10-057	456-12-090	NEW-P	89-06-065	458-19-025	NEW-W	89-18-024
456-10-360	NEW-P	89–06–064	456-12-090	NEW	89-10-058	458-19-030	NEW-W	89-18-024
456-10-360	NEW	89–10–057 89–06–064	456-12-100	NEW-P NEW	89-06-065 89-10-058	458–19–040 458–19–045	NEW-W NEW-W	89-18-024 89-18-024
456-10-410 456-10-410	NEW-P NEW	89-06-064 89-10-057	456-12-100 456-12-110	NEW-P	89-06-065	458-19-045	NEW-P	89-18-092
456-10-420	NEW-P	89-06-064	456-12-110	NEW	89-10-058	458-19-045	NEW-W	90-01-022
456-10-420	NEW	89-10-057	456-12-120	NEW-P	89-06-065	458-19-045	NEW-E	9001023
456-10-430	NEW-P	89-06-064	456-12-120	NEW	89-10-058	458-19-045	NEW-E	90-01-041
456-10-430	NEW	89–10–057	456-12-130	NEW-P	89-06-065	458–19–050 458–19–050	NEW-P NEW-W	89-18-092 90-01-022
456-10-440 456-10-440	NEW-P NEW	8906064 8910057	456-12-130 456-12-140	NEW NEW-P	89-10 - 058 89-06-065	458-19-055	NEW-W	89-18-024
456-10-505	NEW-P	89-06-064	456–12–140	NEW	89-10-058	458-19-055	NEW-P	89-18-092
456-10-505	NEW	89–10–057	458-14-005	NEW-P	89-07-087	458-19-055	NEW-W	9001022
456-10-510	NEW-P	89-06-064	458-14-009	NEW-P	89-07-087	458-19-060	NEW-W	89-18-024
456–10–510	NEW	89–10–057	458-14-010	REP-P NEW-P	89-07-087 89-07-087	458-19-060 458-19-060	NEW-P NEW-W	8918092 9001022
456-10-515 456-10-515	NEW-P NEW	89–06–064 89–10–057	458-14-014 458-14-015	NEW-P NEW-P	89-07-087 89-07-087	458-19-060	NEW-E	90-01-023
456–10–520	NEW-P	89-06-064	458-14-016	NEW-P	89-07-087	458-19-060	NEW-E	90-01-041
456-10-520	NEW	89-10-057	458-14-017	NEW-P	89-07-087	458-19-065	NEW-W	89-18-024
456-10-525	NEW-P	89-06-064	458-14-019	NEW-P	89-07-087	458-19-095	NEW-W	89–18–024
456-10-525	NEW	89–10–057	458-14-020	REP-P NEW-P	89–07–087 89–07–087	458-19-095 458-19-095	NEW-P NEW-W	89-18-092 90-01-022
456-10-530 456-10-530	NEW-P NEW	89-06-064 89-10-057	458-14-021 458-14-023	NEW-P	89-07-087	458-19-095	NEW-E	90-01-023
456-10-535	NEW-P	89-06-064	458-14-025	NEW-P	89-07-087	458-19-095	NEW-E	90-01-041
456-10-535	NEW	89-10-057	458-14-027	NEW-P	89-07-087	458-19-100	NEW-W	89-18-024
456-10-540	NEW-P	8906064	458-14-029	NEW-P	89-07-087	458-19-100	NEW-P	89-18-092
456-10-540	NEW	89–10–057	458-14-030 458-14-031	REP-P NEW-P	89-07-087 89-07-087	458-19-100 458-19-100	NEW-W NEW-E	90-01-022 90-01-023
456-10-545 456-10-545	NEW-P NEW	89-06-064 89-10-057	458-14-040	REP-P	89-07-087	458-19-100	NEW-E	90-01-041
456-10-550	NEW-P	89-06-064	458-14-042	NEW-P	89-07-087	458-19-105	NEW-P	89-18-092
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456-10-555	NEW-P	89-06-064	458-14-050	REP-P	89-07-087	458-19-110	NEW-W	89-18-024
456-10-555	NEW NEW-P	89-10-057 89-06-064	458-14-052 458-14-055	REPP REPP	89-07-087 89-07-087	458-19-110 458-19-110	NEW-P NEW-W	89-18-092 90-01-022
456-10-560 456-10-560	NEW-P	89-10-057	458-14-060	REP-P	89-07-087	458-19-110	NEW-E	90-01-023
456-10-565	NEW-P	89-06-064	458-14-062	REP-P	89-07-087	458-19-110	NEW-E	90-01-041
456-10-565	NEW	89-10-057	458-14-065	REP-P	89-07-087	458-20-105	AMD-P	89-13-043
456-10-570	NEW-P	89-06-064	458-14-070	REP-P	89-07-087	458-20-105	AMD	89-16-080
456-10-570	NEW NEW-P	89-10-057 89-06-064	458-14-075 458-14-080	REP-P REP-P	89–07–087 89–07–087	458-20-107 458-20-127	AMD-E AMD-P	89-23-018 89-17-063
456-10-710 456-10-710	NEW-F NEW	89-10-057	458-14-085	REP-P	89-07-087	458-20-127	AMD	89-21-001
456-10-715	NEW-P	89-06-064	458-14-086	REP-P	89-07-087	458-20-185	AMD-P	90-01-149
456-10-715	NEW	89-10-057	458-14-090	REP-P	89-07-087	458-20-186	AMD-P	90-01-150
456–10–720	NEW-P	89-06-064	458-14-091	REP-P	89-07-087	458-20-193B	AMD-C	89-02-052
456-10-720 456-10-725	NEW NEW-P	89-10-057 89-06-064	458-14-092 458-14-094	REP-P REP-P	89–07–087 89–07–087	458-20-193B 458-20-221	AMD AMD-C	89-06-015 89-02-052
456-10-725	NEW-F	89-10-057	458-14-098	REP-P	89-07-087	458-20-221	AMD	89-06-016
456-10-730	NEW-P	89-06-064	458-14-100	REP-P	89-07-087	458-20-250	AMD-P	89-13-087
456-10-730	NEW	89-10-057	458-14-110	REP-P	89-07-087	458-20-250	AMD-E	89-13-089
456-10-735	NEW-P	89-06-064	458-14-115	REP-P	89-07-087	458-20-250 458-20-252	AMD AMD-C	89-16-090 89-04-042
456-10-735 456-10-740	NEW NEW-P	89-10-057 89-06-064	458–14–120 458–14–121	REP-P REP-P	89–07–087 89–07–087	458-20-252 458-20-252	AMD-C	89-06-005
456-10-740 456-10-740	NEW-P NEW	89-06-064 89-10-057	458-14-121	REP-P	89-07-087	458-20-252	AMD-W	89-07-084
456-10-745	NEW-P	89-06-064	458-14-125	REP-P	89-07-087	458-20-252	AMD-P	89-07-085
456–10–745	NEW	89–10–057	458-14-126	REP-P	89–07–087	458-20-252	AMD	89~10–051

WAC #		WSR #	WAC #		WSR #	WAC #		WSR #
458-20-252	AMD-E	89-10-052	460-33A-080	AMD-P	89-13-068	463-30-200	AMD~P	89-24-014
458-20-252	AMD-P	89-13-086	460-33A-080	AMD	89-17-078	463-30-210	REP-P	89-24-014
458-20-252	AMD-E	89-13-088	460-33A-085	AMD-P	89-13-068	463-30-220	REP-P	89-24-014
458-20-252	AMD	89-16-091	460-33A-085	AMD	89-17-078	463-30-230	AMD-P	89-24-014
458-20-253	AMD-P	89-17-064	460-33A-105	AMD-P	89-13-068	463–30–240	AMD-P	89-24-014
458-20-253 458-20-254	AMD NEW-P	89-21-002 89-08-089	460-33A-105 460-42A-020	AMD REP-P	89-17-078 89-13-069	463-30-250	AMD-P	89-24-014
458-20-254	NEW	89-11-040	460-42A-020 460-42A-020	AMD-C	89-13-069 89-17-075	463-30-260 463-30-270	REP-P AMD-P	89-24-014 89-24-014
458-20-255	NEW-P	89-13-041	460-42A-020	AMD	89-21-031	463-30-290	REP-P	89-24-014 89-24-014
458-20-255	NEW-E	89-13-042	460-42A-030	NEW-P	89-13-069	463-30-295	REP-P	89-24-014
458-20-255	NEW	89-17-001	460-42A-030	NEW	89-17-080	463-30-300	AMD-P	89-24-014
458-20-256	NEW-E	89-21-076	460-42A-081	AMD-P	89-13-066	463-30-310	AMD-P	89-24-014
458-20-256	NEW-P AMD	90-01-151 89-05-009	460-42A-081	AMD-C	89-17-074	463-30-320	AMD-P	89-24-014
458-30-260 458-30-260	AMD-P	89-23-100	460-42A-082 460-44A-500	AMD AMD-P	89-21-032 89-13-070	463–30–330 463–30–335	AMD-P NEW-P	89-24-014 89-24-014
458-30-261	NEW	89-05-008	460-44A-500	AMD	89-17-076	463-30-340	REP-P	89-24-014 89-24-014
458-30-261	REP-P	89-23-100	460-44A-501	AMD-P	89-13-070	463-30-350	REP-P	89-24-014
458-30-262	NEW-P	89-23-100	460-44A-501	AMD	89-17-076	463-30-360	REP-P	89-24-014
458-30-590	AMD	89-05-010	460-44A-502	AMD-P	89-13-070	463–30–370	REP-P	89-24-014
458-40-540	AMD-P	89-21-062	460–44A–502	AMD	89-17-076	463-30-380	REP-P	89-24-014
458-40-540 458-40-628	AMD AMD-P	89-23-095 89-22-100	460-44A-503 460-44A-503	AMD-P AMD	89-13-070 89-17-076	463-30-410	AMD-P	89-24-014
458-40-660	AMD-P	89-10-061	460-44A-505	AMD-P	89-13-070	463–30–420 463–34	AMD–P AMD–P	89-24-014 89-24-014
458-40-660	AMD-E	89-14-050	460-44A-505	AMD	89-17-076	463-34-010	AMD-P	89-24-014
458-40-660	AMD	89-14-051	460-44A-506	AMD-P	89-13-070	463-34-020	REP-P	89-24-014
458-40-660	AMD-P	89-22-100	460-44A-506	AMD	89-17-076	463-34-030	AMD-P	89-24-014
458-40-670	AMD-P	89-10-061	460-44A-508	NEW-P	89-13-070	463-34-040	REP-P	89-24-014
458–40–670 458–40–670	AMD-E AMD	89-14-050 89-14-051	460-44A-508	NEW AMD-P	89-17-076	463-34-050	AMD-P	89-24-014
458-40-670	AMD-P	89-22-100	460-46A-010 460-46A-010	AMD-P	89-03-044 89-07-042	463-34-060 463-34-070	AMD-P AMD-P	89-24-014 89-24-014
458-53-020	AMD-P	89-05-053	460–46A–050	AMD-P	89-03-044	463-34-080	AMD-P	89-24-014 89-24-014
458-53-020	AMD	89-09-021	460-46A-050	AMD	89-07-042	463-34-090	AMD-P	89-24-014
458-53-030	AMD-P	89-05-053	460-46A-060	REP-P	89-03-044	463-34-100	REP-P	89-24-014
458-53-030	AMD	89-09-021	460-46A-060	REP	89-07-042	468–06	REVIEW	89-06-038
458-53-070 458-53-070	AMD-P AMD	89-05-053 89-09-021	460-46A-070	REP-P	8903044	468-06-030	AMD-P	89-14-019
458-53-100	AMD-P	89–05–053	460-46A-070 460-46A-080	REP REP-P	89-07-042 89-03-044	468-06-030 468-06-040	AMD AMD–P	89-17-047 89-14-019
458-53-100	AMD	89-09-021	460-46A-080	REP	89-07-042	468-06-040	AMD	89-17-047
458-53-110	AMD-P	89-05-053	460-46A-085	REP-P	89-03-044	468-06-050	AMD-P	89-14-019
458-53-110	AMD	89-09-021	460-46A-085	REP	89-07-042	468-06-050	AMD	89-17-047
458-53-150	AMD-P	89-05-053	460-46A-090	AMD-P	89-03-044	468–10	REVIEW	89-06-038
458-53-150 458-53-163	AMD AMD-P	89-09-021 89-05-053	460–46A–090 460–46A–092	AMD NEW-P	89-07-042 89-03-044	468–12 468–14	REVIEW	89-06-038
458-53-163	AMD-I	89-09-021	460-46A-092	NEW-F	89-03-044	468-16-010	REVIEW NEW-P	89-08-061 89-07-034
458-61-230	AMD-P	89-20-076	460-46A-095	AMD-P	89-03-044	468-16-010	NEW-W	89-08-064
458-61-230	AMD-C	89-23-056	460-46A-095	AMD	89-07-042	468-16-010	NEW-P	89-16-086
458-61-230	AMD	90-01-003	460-46A-105	AMD-P	89-03-044	468-16-010	NEW-W	89-19-013
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460-10A-160 460-10A-160	AMD-C AMD	89-17-074 89-21-032	460–46A–110 460–46A–110	AMD-P AMD	89-03-044 89-07-042	468-16-020 468-16-020	NEW-W NEW-P	89-08-064 89-16-086
460-20A-008	NEW-P	89-13-066	460–46A–120	REP-P	89-03-044	468-16-020	NEW-F	89-19-013
460-20A-008	NEW	89-17-079	460-46A-120	REP	89-07-042	468-16-030	NEW-P	89-07-034
460-20A-220	AMD-P	8913067	460–46A–145	AMD-P	89-03-044	468-16-030	NEW-W	89-08-064
460-20A-220	AMD-P	89-13-068	460–46A–145	AMD	89-07-042	468-16-030	NEW-P	89-16-086
460-20A-220 460-20A-230	AMD AMD-P	89-17-077 89-13-068	460–46A–150	AMD-P	89-03-044 89-07-042	468-16-030	NEW-W	89-19-013
460-20A-230	AMD-F	89-17-077	460–46A–150 460–46A–155	AMD AMD∸P	89-07-042 89-03-044	468-16-040 468-16-040	NEW-P NEW-W	89-07-034 89-08-064
460-20A-420	AMD-P	89–13–066	460-46A-155	AMD	89-07-042	468-16-040	NEW-P	89-16-086
460-20A-420	AMD	89-17-079	463–30	AMD-P	89-24-014	468-16-040	NEW-W	89-19-013
460-20A-425	AMD-P	89-13-066	463-30-010	AMD-P	89-24-014	468-16-050	NEW-P	89-07-034
460–20A–425	AMD	89-17-079	463–30–020	AMD-P	89-24-014	468-16-050	NEW-W	89-08-064
460-24A-050	AMD-P	89-13-067	463-30-050	AMD-P	89-24-014	468–16–050	NEW-P	89-16-086
460-24A-050 460-24A-050	AMD AMD-P	89-17 - 077 90-01-061	463–30–060 463–30–070	AMD-P REP-P	89-24-014 89-24-014	468-16-050 468-16-060	NEW-W NEW-P	89-19-013 89-07-034
460-24A-050	AMD-E	90-01-062	463–30–080	AMD-P	89-24-014	468-16-060	NEW-W	89-08-064
460-33A-010	AMD-P	89-13-068	463-30-085	NEW-P	89-24-014	468-16-060	NEW-P	89-16-086
460-33A-010	AMD	89-17-078	463-30-090	AMD-P	89-24-014	468–16–060	NEW-W	89-19-013
460–33A–015	AMD~P	89-13-068	463-30-100	AMD-P	8924014	468-16-070	NEW-P	89-07-034
460–33A–015 460–33A–017	AMD AMD-P	89-17-078	463-30-110	REP-P	89-24-014	468-16-070	NEW-W	89-08-064
460-33A-017 460-33A-017	AMD-P AMD	89-13-068 89-17-078	463–30–120 463–30–130	AMD-P REP-P	89-24-014 89-24-014	468-16-070 468-16-070	NEW-P NEW-W	89-16-086 89-19-013
460-33A-031	AMD-P	89-13-068	463-30-140	REP-P	89-24-014	468-16-080	NEW-W	89-07-034
460-33A-031	AMD	89-17-078	463-30-150	REP-P	89-24-014	468-16-080	NEW-W	89-08-064
460-33A-055	AMD-P	89-13-068	463-30-160	REP-P	89-24-014	468-16-080	NEW-P	89-16-086
460–33A–055	AMD D	89-17-078	463–30–170	REP-P	89-24-014	468~16-080	NEW-W	89-19-013
460-33A-065 460-33A-065	AMD-P AMD	89-13-068 89-17-078	463-30-180 463-30-190	REP-P AMD-P	89-24-014	468-16-090	NEW-P	89-07-034
400 JJM-00J	AND	U7-11-U/0	105-00-170	AMD-P	89-24-014	468-16-090	NEW-W	89-08-064

WAC #		WSR #	WAC #		WSR #	WAC #		WSR #
468-16-090	NEW-P	89–16–086	468-38-050	AMD	89-23-110	468-100-302	NEW-P	89-14-039
468-16-090	NEW-W	89-19-013	468-38-100	AMD-P	89-19-042	468-100-302	NEW	89-17-048
468-16-100	NEW-P	89-07-034	468-38-100	AMD	89-23-110	468-100-303	NEW-P	89-14-039
468-16-100	NEW-W	89-08-064	468-38-160	AMD-P	89-19-042	468-100-303	NEW	89-17-048 89-14-039
468-16-100	NEW-P	89-16-086	468-38-160 468-38-200	AMD AMD-P	89-23-110 89-19-042	468-100-304 468-100-304	NEW-P NEW	89-14-039 89-17-048
468-16-100	NEW-W NEW-P	89-19-013 89-07-034	468-38-200	AMD-P	89-23-110	468-100-305	NEW-P	89-14-039
468-16-110 468-16-110	NEW-W	89-08-064	468-38-230	AMD-P	8919-042	468-100-305	NEW	89-17-048
468-16-110	NEW-P	89-16-086	468-38-230	AMD	89-23-110	468-100-306	NEW-P	89-14-039
468-16-110	NEW-W	89-19-013	468-38-250	AMD-P	89-19-042	468-100-306	NEW	89-17-048
468-16-120	NEW-P	89-07-034	468-38-250	AMD	89-23-110	468-100-401	NEW-P	89-14-039
468-16-120	NEW-W	89-08-064	468-38-260	AMD-P	89-19-042	468-100-401	NEW	89-17-048
468-16-120	NEW-P	89-16-086	468-38-260	AMD	89-23-110	468-100-402 468-100-402	NEW-P NEW	89-14-039 89-17-048
468-16-120	NEW-W NEW-P	89-19-013 89-07-034	468-38-350 468-38-350	AMD-P AMD	89-19-042 89-23-110	468-100-403	NEW-P	89-14-039
468-16-130 468-16-130	NEW-P	89-08-064	468-38-390	AMD-P	89-19-042	468-100-403	NEW	89-17-048
468-16-130	NEW-P	89-16-086	468-38-390	AMD	89-23-110	468-100-501	NEW-P	89-14-039
468-16-130	NEW-W	89-19-013	468-46	REVIEW	89-13-027	468-100-501	NEW	89-17-048
468-16-140	NEW-P	89-07-034	468-54	REVIEW	89-08-061	468-100-502	NEW-P	89-14-039
468-16-140	NEW-W	89-08-064	468-58	REVIEW	89-08-061	468-100-502	NEW	89-17-048
468-16-140	NEW-P	89-16-086	468-58-070	REP-P	89-22-013	468-100-503 468-100-503	NEW-P NEW	8914039 8917048
468-16-140	NEW-W NEW-P	89-19-013 89-07-034	468-58-070 468-66	REP PREP	90-01-100 89-22-021	468-100-504	NEW-P	89-14-039
468-16-150 468-16-150	NEW-P	89-08-064	468–70	PREP	89-22-021	468-100-504	NEW	89-17-048
468-16-150	NEW-P	89-16-086	468-74	PREP	89-22-021	468-100-505	NEW-P	89-14-039
468-16-150	NEW-W	89-19-013	468-78	REVIEW	89-22-021	468-100-505	NEW	89-17-048
468-16-160	NEW-P	89-07-034	468-95	PREP	8922-021	468-100-601	NEW-P	89-14-039
468-16-160	NEW-W	89-08-064	468-100-001	NEW-P	89-14-039	468-100-601	NEW	89-17-048
468-16-160	NEW-P	89-16-086	468-100-001	NEW	89-17-048 89-14-039	468-100-602	NEW-P NEW	89-14-039 89-17-048
468-16-160	NEW-W NEW-P	8919013 8907034	468-100-002 468-100-002	NEW-P NEW	89-14-039 89-17-048	468-100-602 468-300	REVIEW	89-06-038
468-16-170 468-16-170	NEW-W	89-08-064	468-100-002	NEW-P	89-14-039	468-300-010	AMD	89-04-014
468-16-170	NEW-P	89-16-086	468-100-003	NEW	89-17-048	468-300-010	AMD-P	89-08-068
468-16-170	NEW-W	8919-013	468-100-004	NEW-P	89-14-039	468-300-010	AMD-C	89-12-005
468-16-180	NEW-P	89-07-034	468-100-004	NEW	8917048	468-300-010	AMD	89-14-052
468-16-180	NEW-W	89-08-064	468-100-005	NEW-P	89-14-039	468-300-020	AMD	89-04-014
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468-16-180 468-16-190	NEW-W NEW-P	89-07-034	468-100-006	NEW-F	89-17-048	468-300-020	AMD-C	89-14-052
468-16-190	NEW-W	89-08-064	468-100-007	NEW-P	89-14-039	468-300-040	AMD	89-04-014
468-16-190	NEW-P	89-16-086	468-100-007	NEW	89-17-048	468-300-040	AMD-P	8908068
468-16-190	NEW-W	89-19-013	468-100-008	NEW-P	89-14-039	468-300-040	AMD-C	89-12-005
468-16-200	NEW-P	89-07-034	468-100-008	NEW	89-17-048	468-300-040	AMD	89-14-052
468-16-200	NEW-W	89-08-064	468-100-009	NEW-P NEW	8914 - 039 8917048	468–300–070 468–300–070	AMD AMD-P	89-04-014 89-08-068
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468-16-210	NEW-P	89-07-034	468-100-010	NEW	89-17-048	468-300-070	AMD	89-14-052
468-16-210	NEW-W	89-08-064	468-100-101	NEW-P	89-14-039	468-300-700	AMD-P	89-08-068
468-16-210	NEW-P	89-16-086	468-100-101	NEW	8917048	468-300-700	AMD-C	89-12-005
468-16-210	NEW-W	89-19-013	468-100-102	NEW-P	89-14-039	468-320-010	NEW-P	89-18-087
468-18	REVIEW	89-06-038	468-100-102	NEW D	89-17-048	468-320-010	NEW-E NEW	89-18-088 89-22-028
468–30 468–34	REVIEW REVIEW	89-08-061 89-08-061	468-100-103 468-100-103	NEW-P NEW	89-14-039 89-17-048	468–320–010 468–320–020	NEW-P	89-18-087
468-34-020	AMD	89-05-022	468-100-104	NEW-P	89-14-039	468-320-020	NEW-E	89-18-088
468-34-060	AMD	89-05-022	468-100-104	NEW	89-17-048	468-320-020	NEW	89-22-028
468-34-100	AMD	8905022	468-100-105	NEW-P	89-14-039	468-320-030	NEW-P	89-18-087
468-34-110	AMD	89-05-022	468-100-105	NEW	89-17-048	468-320-030	NEW-E	89-18-088
468-34-120	AMD	89-05-022	468-100-106	NEW-P	8914-039	468-320-030	NEW NEW-P	89-22-028 89-18-087
468-34-130 468-34-140	AMD AMD	8905022 8905022	468-100-106 468-100-201	NEW NEW-P	89-17 - 048 89-14 - 039	468-320-040 468-320-040	NEW-P	89-18-088
468-34-150	AMD	89-05-022	468-100-201	NEW	89-17-048	468-320-040	NEW	89-22-028
468-34-170	AMD	89-05-022	468-100-202	NEW-P	89-14-039	468-320-050	NEW-P	89-18-087
468-34-190	AMD	89-05-022	468-100-202	NEW	89-17-048	468-320-050	NEW-E	89-18-088
468-34-210	AMD	89-05-022	468-100-203	NEW-P	89-14-039	468-320-050	NEW	89-22-028
468-34-220	AMD	89-05-022	468-100-203	NEW	89-17-048	468-320-060	NEW-P	89-18-087
468-34-250	AMD	89-05-022	468-100-204	NEW-P	8914039 8917048	468-320-060 468-320-060	NEW-E NEW	89-18-088 89-22-028
468-34-290 468-34-300	AMD AMD	89-05-022 89-05-022	468-100-204 468-100-205	NEW NEW-P	89-14-039	468-320-070	NEW-P	89-18-087
468-34-320	AMD	89-05-022	468-100-205	NEW	89-17-048	468-320-070	NEW-E	89-18-088
468-34-340	AMD	89-05-022	468-100-206	NEW-P	89-14-039	468-320-070	NEW	89-22-028
468-34-350	NEW	89-05-022	468-100-206	NEW	89-17-048	468-320-080	NEW-P	89-18-087
468-38	REVIEW	89-13-027	468-100-207	NEW-P	89-14-039	468-320-080	NEW-E	89-18-088
468-38-030	AMD-P	89-19-042	468-100-207	NEW	89-17-048	468-320-080	NEW D	89~22-028
468-38-030 468-38-040	AMD AMD–P	89-23-110 89-19-042	468-100-208	NEW-P NEW	89-14-039 89-17-048	468–320–090 468–320–090	NEW-P NEW-E	89-18-087 89-18-088
468-38-040	AMD-P AMD	89-19-042 89-23-110	468-100-208 468-100-301	NEW-P	89-14-039	468-320-090	NEW	89-22-028
468-38-050	AMD-P	89-19-042	468-100-301	NEW	89-17-048	468-320-100	NEW-P	89-18-087

WAC #		WSR #	WAC #		WSR #	WAC #		WSR #
468-320-100	NEW-E	89-18-088	479-112-008	NEW-E	89-10-054	480-08-030	REP-C	89–17–049
468-320-100 478-116-020	NEW AMD-P	8922028 8909043	479-112-008 479-112-009	NEW NEW-P	89-14-005	480-08-030	REP-E	89–17–050
478-116-020	AMD-F	89-15-023	479-112-009	NEW-P	89-10-053 89-10-054	480-08-030 480-08-040	REP REP–C	8921 - 036 8917049
478-116-030	AMD-P	89-09-043	479-112-009	NEW	89-14-005	480-08-040	REP-E	89-17-050
478-116-030	AMD	89-15-023	479-112-010	NEW-P	89-10-053	480-08-040	REP	89-21-036
478-116-055	AMDP AMD	89-09-043	479-112-010	NEW-E	89-10-054	480-08-050	REP-C	89-17-049
478-116-055 478-116-060	AMD-P	89-15-023 89-09-043	479-112-010 479-112-017	NEW NEW-P	8914005 8910053	480-08-050 480-08-050	REP-E REP	89-17-050 89-21-036
478-116-060	AMD	89-15-023	479-112-017	NEW-E	89-10-054	480-08-055	REP-C	89-17-049
478-116-095	AMD-P	89-09-043	479-112-017	NEW	89-14-005	480-08-055	REP-E	89-17-050
478-116-095 478-116-100	AMD AMD-P	89-15-023 89-09-043	479-112-018 479-112-018	NEW-P	89-10-053	480-08-055	REP	89-21-036
478-116-100	AMD-P	89-09-043 89-15-023	479-112-018	NEW-E NEW	89-10-054 89-14-005	480-08-060 480-08-060	REP-C REP-E	89-17-049 89-17 - 050
478-116-110	AMD-P	89-09-043	479-112-020	NEW-P	89-10-053	480-08-060	REP	89-21-036
478-116-110	AMD	89-15-023	479-112-020	NEW-E	89-10-054	480-08-070	REP-C	89-17-049
478-116-210 478-116-210	AMD-P AMD	89-09-043 89-15-023	479-112-020 479-113-010	NEW NEW-P	89-14-005 89-10-053	480-08-070	REP-E	89–17–050
478-116-240	AMD-P	89-09-043	479-113-010	NEW-F	89-10-054	480-08-070 480-08-080	REP REP-C	89-21-036 89-17-049
478-116-240	AMD	89-15-023	479-113-010	NEW	89-14-005	480-08-080	REP-E	89-17-050
478-116-250	AMD-P	89-09-043	479-113-011	NEW-P	89-10-053	480-08-080	REP	89-21-036
478-116-250 478-116-250	AMD AMD-P	89-15-023 89-20-041	479-113-011 479-113-011	NEW-E NEW	89-10-054 89-14-005	480-08-090 480-08-090	REP-C REP-E	89-17-049 89-17-050
478-116-260	AMD-P	89-20-041	479-113-029	NEW-P	8910053	480-08-090	REP	89-21-036
478-116-270	AMD-P	89-09-043	479-113-029	NEW-E	89-10-054	480-08-100	REP-C	89-17-049
478-116-270 478-116-280	AMD AMD-P	89-15-023 89-09-043	479–113–029 479–113–031	NEW NEW-P	89-14-005 89-10-053	480-08-100 480-08-100	REP-E	89-17-050
478-116-280	AMD	89–15–023	479-113-031	NEW-F	89-10-054	480-08-100	REP REP-C	89-21-036 89-17-049
478-116-340	AMD-P	89-09-043	479-113-031	NEW	89-14-005	480-08-110	REP-E	89-17-050
478-116-340	AMD NEW-P	89-15-023	479-113-032	NEW-P	89-10-053	480-08-110	REP	89-21-036
478-116-345 478-116-345	NEW-P	89-09-043 89-15-023	479–113–032 479–113–032	NEW-E NEW	89-10-054 89-14-005	480-08-120 480-08-120	REP-C REP-E	89-17-049 89-17-050
478-116-360	AMD-P	89-09-043	479-113-035	NEW-P	89-10-053	480-08-120	REP	89-21-036
478-116-360	AMD	89-15-023	479–113–035	NEW-E	89-10-054	480-08-130	REP-C	89-17-049
478-116-380 478-116-380	AMD-P AMD	89-09-043 89-15-023	479-113-035 479-116-015	NEW NEW-P	89-14-005 89-10-053	480-08-130 480-08-130	REP-E REP	89-17-050 89-21-036
478-116-430	AMD-P	89-09-043	479-116-015	NEW-E	89-10-054	480-08-140	REP-C	89-17-049
478-116-430	AMD	89-15-023	479-116-015	NEW	89-14-005	480-08-140	REP-E	89-17-050
478-116-440 478-116-440	AMD-P AMD	89-09-043 89-15-023	479-116-016 479-116-016	NEW-P NEW-E	89-10-053 89-10-054	480-08-140 480-08-150	REP REP-C	89-21-036 89-17-049
478-116-455	NEW-P	89-09-043	479-116-016	NEW	89-14-005	480-08-150	REP-E	89-17-049 89-17-050
478–116–456	NEW-P	89-09-043	479-116-020	NEW-P	89-10-053	480-08-150	REP	89-21-036
478-116-462 478-116-463	NEW-P NEW-P	89-09-043 89-09-043	479-116-020 479-116-020	NEW-E NEW	89-10-054 89-14-005	480-08-160 480-08-160	REP-C REP-E	89-17-049 89-17-050
478-116-465	NEW-P	89-09-043	479-116-030	NEW-P	89-10-053	480-08-160	REP-E	89-21-036
478-116-466	NEW-P	89-09-043	479-116-030	NEW-E	89-10-054	480-08-170	REP-C	89-17-049
478-116-467 478-116-470	NEW-P AMD-P	89-09-043 89-09-043	479–116–030 479–116–035	NEW NEW-P	89-14-005	480-08-170	REP-E	89-17-050
478-116-470	AMD-F	89-15-023	479-116-035	NEW-P	89-10-053 89-10-054	480-08-170 480-08-180	REP REP–C	89-21-036 89-17-049
478-116-490	AMD-P	89-09-043	479-116-035	NEW	89-14-005	480-08-180	REP-E	89-17-050
478-116-490	AMD AMD-P	89-15-023	479-116-040	NEW-P	89-10-053	480-08-180	REP	89-21-036
478-116-500 478-116-500	AMD-P AMD	89-09-043 89-15-023	479-116-040 479-116-040	NEW-E NEW	89-10-054 89-14-005	480–08–190 480–08–190	REP-C REP-E	89-17-049 89-17-050
478-116-510	AMD-P	89-09-043	479-116-045	NEW-P	89-10-053	480-08-190	REP	89-21-036
478-116-510	AMD NEW-P	89-15-023	479-116-045	NEW-E	89-10-054	480-08-200	REP-C	89-17-049
478-116-512 478-116-515	NEW-P	89-09-043 89-09-043	479-116-045 479-116-050	NEW NEW-P	89-14-005 89-10-053	480–08–200 480–08–200	REP-E REP	89-17 - 050 89-21-036
478-116-520	AMD-P	89-09-043	479-116-050	NEW-E	89-10-054	480-08-208	NEW-E	89-08-004
478-116-520	AMD	89-15-023	479-116-050	NEW	89-14-005	480-08-208	NEW-P	89-08-109
478-116-525 478-116-550	NEW-P AMD-P	89-09-043 89-09-043	479-116-060 479-116-060	NEW-P NEW-E	89-10-053 89-10-054	480-08-208 480-08-208	REP-E NEW-C	89-11-006 89-11-085
478-116-550	AMD	89–15–023	479-116-060	NEW	89-14-005	480-08-208	NEW-C	89-13-028
478-116-586	AMD-P	89-09-043	479-120-020	NEW-P	89-10-053	480-08-208	NEW-P	8915041
478-116-586 478-116-600	AMD AMD-P	89-15-023 89-09-043	479-120-020 479-120-020	NEW-E NEW	89-10-054	480-08-210	REP-C	89-17-049
478-116-600	AMD	89-15-023	479-120-020	NEW-P	89-14-005 89-10-053	480-08-210 480-08-210	REP-E REP	89-17-050 89-21-036
478-116-600	AMD-P	89-20-041	479-120-033	NEW-E	89-10-054	480-08-220	REP-C	89-17-049
478-138-030 478-138-040	AMD-P AMD-P	89-20-042 89-20-042	479-120-033	NEW DED C	89-14-005	480-08-220	REP-E	89-17-050
478-138-040	AMD-P	89-20-042 89-20-042	480-08-010 480-08-010	REP-C REP-E	89-17-049 89-17-050	480-08-220 480-08-230	REP REP-C	89-21-036 89-17-049
479-112-005	NEW-P	89-10-053	480-08-010	REP	89-21-036	480-08-230	REP-E	89–17–050
479-112-005	NEW-É NEW	89-10-054	480-08-015	REP-C	89-17-049	480-08-230	REP	89-21-036
479-112-005 479-112-007	NEW-P	89-14-005 89-10-053	480-08-015 480-08-015	REP-E REP	89-17-050 89-21-036	480-08-240 480-08-240	REP-C REP-E	89-17-049 89-17-050
479-112-007	NEW-E	89-10-054	480-08-020	REP-C	89-17-049	480-08-240	REP	89-21-036
479-112-007	NEW NEW-P	89-14-005 89-10-053	480-08-020	REP-E	89-17-050	480-08-250	REP-C	89-17-049
479–112–008	14 C W F	07-10-033	480-08-020	REP	89–21–036	480-08-250	REP-E	89-17-050

WAC #		WSR #	WAC #		WSR #	WAC #		WSR #
48008250	REP	89-21-036	480-09-300	NEW	89-21-036	480-09-610	NEW-P	89-13-090
480-08-260	REP-C	89-17-049	480-09-310	NEW-P	89-13-090	480-09-610	NEW-C	89-17-049
480-08-260	REP-E	89-17-050	480-09-310	NEW-C	89-17-049	48009610	NEW-E NEW	89-17-050
480-08-260 480-08-270	REP REPC	89-21-036 89-17-049	480-09-310 480-09-310	NEW-E NEW	89-17-050 89-21-036	480-09-610 480-09-620	NEW-P	89-21-036 89-13-090
480-08-270	REP-E	89-17-050	480-09-310	NEW-P	89-13-090	48009620	NEW-C	89-17-049
480-08-270	REP	89-21-036	480-09-320	NEW-C	89-17-049	480-09-620	NEW-E	89-17-050
480-08-280	REP-C	89-17-049	480-09-320	NEW-E	8917050	480-09-620	NEW	89-21-036
480-08-280	REP-E	89-17-050	480-09-320	NEW	89-21-036	480-09-700	NEW-P	89-13-090
480-08-280 480-08-290	REP REP-C	89-21-036 89-17-049	480-09-330 480-09-330	NEW-P NEW-C	89-13-090 89-17-049	480-09-700 480-09-700	NEW-C NEW-E	89-17-049 89-17-050
480-08-290	REP-E	89-17-050	480-09-330	NEW-E	89-17-050	480-09-700	NEW	89-21-036
480-08-290	REP	89-21-036	480-09-330	NEW	89-21-036	480-09-705	NEW-P	89-13-090
480-08-300	REP-C	89-17-049	480-09-340	NEW-P	89-13-090	480-09-705	NEW-C	89-17-049
480-08-300	REP-E	89-17-050	480-09-340	NEW-C	89-17-049	480-09-705	NEW-E NEW	89-17-050
480-08-300 480-08-310	REP REP-C	89-21-036 89-17-049	480-09-340 480-09-340	NEW-E NEW	89-17-050 89-21-036	480-09-705 480-09-710	NEW-P	89-21-036 89-13-090
480-08-310	REP-E	89-17-050	480-09-400	NEW-P	89–13–090	480-09-710	NEW-C	89-17-049
480-08-310	REP	89-21-036	480-09-400	NEW-C	89-17-049	48009710	NEW-E	89-17-050
480-08-320	REP-C	89-17-049	480-09-400	NEW-E	89-17-050	480-09-710	NEW	89-21-036
480-08-320	REP-E	89-17-050	480-09-400	NEW NEW-P	89-21-036 89-13-090	480-09-720 480-09-720	NEW-P NEW-C	89-13-090 89-17-049
480-08-320 480-08-330	REP REP-C	89-21-036 89-17-049	480-09-410 480-09-410	NEW-F	89-17-049	480-09-720	NEW-E	89-17-050
480-08-330	REP-E	89-17-050	480-09-410	NEW-E	89-17-050	480-09-720	NEW	89-21-036
480-08-330	REP	89-21-036	480-09-410	NEW	89-21-036	480-09-730	NEW-P	89-13-090
480-09	NEW-C	89-16-048	480-09-420	NEW-P	89-13-090	480-09-730	NEW-C	89-17-049
480–09 480–09–010	NEW-C NEW-P	89-17-049 89-13-090	480-09-420 480-09-420	NEW-C NEW-E	8917-049 89-17-050	480–09–730 480–09–730	NEW-E NEW	89-17-050 89-21-036
480-09-010	NEW-P	89-17-049	480-09-420	NEW	89-21-036	480-09-735	NEW-P	89-13-090
48009-010	NEW-E	89-17-050	480-09-425	NEW-P	89-13-090	480-09-735	NEW-C	89-17-049
48009010	NEW	89-21-036	480-09-425	NEW-C	89-17-049	480-09-735	NEW-E	89-17-050
480-09-015	NEW-P	89-17-049 89-17-050	480-09-425 480-09-425	NEW-E NEW	89-17-050 89-21-036	480-09-735 480-09-736	NEW NEW-P	89-21-036 89-13-090
48009015 48009015	NEW-E NEW	89-17-030 89-21-036	480-09-423 480-09-430	NEW-P	89-21-036	480-09-736	NEW-C	89-17-049
480-09-100	NEW-P	89-13-090	480-09-430	NEW-C	8917049	480-09-736	NEW-E	89-17-050
480-09-100	NEW-C	89-17-049	480-09-430	NEW-E	89-17-050	480-09-736	NEW	89-21-036
480-09-100	NEW-E	89-17-050	480-09-430	NEW	89-21-036	480-09-740	NEW-P NEW-C	89-13-090 89-17-049
480-09-100 480-09-110	NEW NEW-P	89-21-036 89-13-090	480-09-440 480-09-440	NEW-P NEW-C	89-13-090 89-17-049	480-09-740 480-09-740	NEW-C NEW-E	89-17-049 89-17-050
480-09-110	NEW-C	89-17-049	480-09-440	NEW-E	89–17–050	480-09-740	NEW	89-21-036
480-09-110	NEW-E	89-17-050	480-09-440	NEW	89-21-036	480-09-745	NEW-P	89-13-090
480-09-110	NEW	89-21-036	480-09-450	NEW-P	89-13-090	480-09-745	NEW-C	89-17-049
480-09-120 480-09-120	NEW-P NEW-C	89-13-090 89-17-049	480-09-450 480-09-450	NEW-C NEW-E	8917049 8917050	480-09-745 480-09-745	NEW-E NEW	89-17-050 89-21-036
480-09-120	NEW-C	89-17-050	480-09-450	NEW	89-21-036	48009750	NEW-P	89-13-090
480-09-120	NEW	89-21-036	480-09-460	NEW-P	89-13-090	480-09-750	NEW-C	89-17-049
480-09-130	NEW-P	89-13-090	480-09-460	NEW-C	89-17-049	480-09-750	NEW-E	89-17-050
480-09-130 480-09-130	NEW-C NEW-E	89-17-049 89-17-050	480-09-460 480-09-460	NEW-E NEW	89-17-050 89-21-036	480–09–750 480–09–760	NEW NEW-P	8921036 8913090
480-09-130	NEW-E	89-21-036	480-09-465	NEW-P	89-13-090	480-09-760	NEW-C	89-17-049
480-09-135	NEW-P	89-17-049	480-09-465	NEW-C	89-17-049	480-09-760	NEW-E	89-17-050
480-09-135	NEW-E	89-17-050	480-09-465	NEW-E	89-17-050	48009760	NEW	89-21-036
480-09-135	NEW	89-21-036	480-09-465	NEW NEW-P	89-21-036 89-13-090	480–09–770 480–09–770	NEW-P NEW-C	89-13-090 89-17-049
480-09-140 480-09-140	NEW-P NEW-C	89-13-090 89-17-049	480–09–470 480–09–470	NEW-C	89-17-049	480-09-770	NEW-E	89-17-050
480-09-140	NEW-E	89-17-050	480-09-470	NEW-E	89-17-050	480-09-770	NEW	89-21-036
480-09-140	NEW	89-21-036	480-09-470	NEW	89-21-036	480-09-780	NEW-P	89-13-090
480-09-150	NEW-P	89-13-090	480-09-475	NEW-P	89-13-090	480-09-780	NEW-C	89-17-049
480-09-150 480-09-150	NEW-C NEW-E	8917049 8917050	480–09–475 480–09–475	NEW-C NEW-E	89-17-049 89-17-050	480–09–780 480–09–780	NEW-E NEW	89-17-050 89-21-036
480-09-150	NEW	89-21-036	480-09-475	NEW	89-21-036	480-09-800	NEW-P	89-13-090
480-09-200	NEW-P	89-13-090	480-09-480	NEW-P	89-13-090	480-09-800	NEW-C	89-17-049
480-09-200	NEW-C	89-17-049	480-09-480	NEW-C	89-17-049	480-09-800	NEW-E	89-17-050
480-09-200 480-09-200	NEW-E	89-17-050	480–09–480 480–09–480	NEW-E	8917050 8918009	480-09-800 480-09-810	NEW NEW-P	89-21-036 89-13-090
480-09-200 480-09-210	NEW NEW-P	89-21-036 89-13-090	480-09-480 480-09-500	NEW NEW-P	89-18-009 89-13-090	480-09-810	NEW-F	89-13-090 89-17-049
480-09-210	NEW-C	89-17-049	480-09-500	NEW-C	89-17-049	480-09-810	NEW-E	89-17-050
480-09-210	NEW-E	89-17-050	480-09-500	NEW-E	89-17-050	480-09-810	NEW	89-21-036
480-09-210	NEW	89-21-036	480-09-500	NEW D	89-21-036	480-09-815 480-09-815	NEW-P NEW-C	89-13-090
480-09-220 480-09-220	NEW-P NEW-C	89-13-090 89-17-049	480-09-510 480-09-510	NEW-P NEW-C	89-13-090 89-17-049	480-09-815	NEW-C	89-17-049 89-17-050
480-09-220	NEW-E	89-17-050	480-09-510	NEW-E	89–17–050	480-09-815	NEW	89-21-036
480-09-220	NEW	89-21-036	480-09-510	NEW	89-21-036	480-09-820	NEW-P	89-13-090
480-09-230	NEW	89-21-036	48009600	NEW-P	89-13-090	480-09-820	NEW-C	89-17-049
480-09-300 480-09-300	NEW-P NEW-C	89-13-090 89-17-049	480-09-600 480-09-600	NEW-C NEW-E	8917049 8917050	480-09-820 480-09-820	NEW-E NEW	89-17-050 89-21-036
480-09-300	NEW-E	89-17-050	480-09-600	NEW	89-21-036	480-09-830	NEW-P	89-13-090
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WAC #		WSR #	WAC #		WSR #	WAC #		WSR #
480-09-830	NEW-C	89-17-049		AMD-P	89-12-072	480–105–040	REP	89-15-043
480-09-830	NEW-E	89-17-050		AMD	89-15-042	480–105–050	REP-P	89-08-111
480-09-830	NEW REP-W	89-21-036 89-20-048	480–80–330 480–80–330	AMD-P AMD	89-08-110 89-12-038	480–105–050 480–105–050	REP-W REP-P	89-12-067 89-12-068
480–12–100 480–12–165	AMD-P	89-23-046	480-80-390	NEW-P	89-12-069	480-105-050	REP	89-15-043
480-12-180	AMD	89-06-021	480–80–390	NEW-C	89-17-041	480-105-060	REP-P	89-08-111
480-12-180	AMD-P	89-23-046		NEW	89-19-038	480-105-060	REP-W	89-12-067
480–12–190 480–12–195	AMD AMD	89-06-021 89-06-021		AMD-P AMD-C	8909070 8911084	480–105–060 480–105–060	REP-P REP	89-12-068 89-15-043
480–12–195 480–12–195	AMD-P	89-23-046		AMD-C	89-12-070	480–105–070	REP-P	89-08-111
480-12-250	AMD-W	89-19-047	48090031	AMD-W	89-19-047	480-105-070	REP-W	89-12-067
480-12-250	AMD-P	89-19-048		AMD-P	89-19-048	480-105-070	REP-P	89-12-068
480-12-250 480-12-285	AMD AMD	9001058 8904045		AMD AMD-P	90-01-058 89-13-071	480–105–070 480–105–080	REP REP-P	89-15-043 89-08-111
480-12-265	AMD-W	89-20-048		AMD-C	89-16-047	480–105–080	REP-W	89-12-067
480-12-375	AMD-P	89-24-017	480-90-071	AMD	89-17-034	480-105-080	REP-P	89-12-068
480-12-445	AMD-P	89-06-020	480-90-201	REP-P	89-05-042	480–105–080	REP	89-15-043
480-12-445 480-12-990	AMD AMD-W	89-09-071 89-20-048	480-90-201 480-90-206	REP REP-P	89-08-030 89-05-042	480–107–001 480–107–001	NEW-P NEW-W	89-08-111 89-12-067
480-30-095	AMD	89-06-021		REP	89-08-030	480–107–001	NEW-P	89-12-068
480-30-097	NEW-P	89-23-046	480-90-216	REP-P	89-05-042	480-107-001	NEW	89-15-043
480-30-100	AMD	89-06-021	480-90-216	REP	89-08-030	480-107-005	NEW-P	89-08-111
480-30-100 480-30-120	AMD-P AMD-W	89-23-046 89-19-047		REPP REP	89-05-042 89-08-030	480–107–005 480–107–005	NEW-W NEW-P	89-12-067 89-12-068
480-30-120	AMD-P	89-19-048		REP-P	89-05-042	480-107-005	NEW	89-15-043
480-30-120	AMD	90-01-058	480-90-226	REP	89-08-030	480-107-010	NEW-P	89-08-111
480-35-010	NEW-P NEW-E	89-20-049 89-20-051	480-90-231 480-90-231	REP-P REP	89-05-042 89-08-030	480–107–010 480–107–010	NEW-W NEW-P	89-12-067 89-12-068
480-35-010 480-35-010	NEW-E NEW	89-20-051 89-23-049	480-90-241	REP-P	89-08-030 89-05-042	480-107-010	NEW-P	89-15-043
480-35-020	NEW-P	89-20-049	480-90-241	REP	89-08-030	480-107-020	NEW-P	89-08-111
480-35-020	NEW-E	89-20-051		REP-P	89-05-042	480-107-020	NEW-W	89-12-067
480-35-020	NEW NEW-P	89-23-049 89-20-049		REP REP-P	89-08-030 89-05-042	480-107-020 480-107-020	NEW-P NEW	89-12-068 89-15-043
480–35–030 480–35–030	NEW-P NEW-E	89-20-049 89-20-051	480-90-251	REP	89-08-030	480-107-030	NEW-P	89-08-111
480-35-030	NEW	89-23-049	480-90-256	REP-P	89-05-042	480-107-030	NEW-W	89-12-067
480-35-040	NEW-P	89-20-049	480-90-256	REP	89-08-030	480-107-030	NEW-P	89-12-068
480-35-040 480-35-040	NEW-E NEW	89-20-051 89-23-049		REP-P REP	89-05-042 89-08-030	480-107-030 480-107-040	NEW NEW-P	89-15-043 89-08-111
480-35-050	NEW-P	89-20-049	480-90-266	REP-P	89-05-042	480-107-040	NEW-W	89–12–067
480-35-050	NEW-E	89-20-051	480–90–266	REP	89-08-030	480-107-040	NEW-P	89-12-068
480-35-050	NEW	89-23-049		REP-P	89-05-042	480-107-040	NEW NEW-P	89-15-043 89-08-111
480-35-060 480-35-060	NEW-P NEW-E	89-20-049 89-20-051		REP REP-P	89-08-030 89-05-042	480–107–050 480–107–050	NEW-P NEW-W	89-12-067
480-35-060	NEW	89-23-049	480-90-276	REP	89-08-030	480-107-050	NEW-P	89-12-068
480-35-070	NEW-P	89-20-049	480-90-281	REP-P	89-05-042	480-107-050	NEW	89-15-043
480-35-070 480-35-070	NEW-E NEW	89-20-051 89-23-049		REP REP-P	89-08-030 89-05-042	480–107–060 480–107–060	NEW-P NEW-W	8908111 8912067
480-35-070	NEW-P	89-20-049	480-90-286	REP	89-08-030	480-107-060	NEW-P	89-12-068
480-35-080	NEW-E	89-20-051	480-100-031	AMD-P	8909070	480-107-060	NEW	89-15-043
480-35-080	NEW	89-23-049		AMD-C	89-11-084	480-107-070	NEW-P NEW-W	89-08-111
480–35–090 480–35–090	NEW-P NEW-E	89-20-049 89-20-051		AMD AMD-W	89-12-070 89-19-047	480–107–070 480–107–070	NEW-W	89-12-067 89-12-068
480–35–090	NEW	89-23-049		AMD-P	89-19-048	480-107-070	NEW	89-15-043
480-35-100	NEW-P	89-20-049		AMD	90-01-058	480-107-080	NEW-P	89-08-111
480-35-100	NEW-E NEW	89-20-051 89-23-049		REPP REPW	89-08-111 89-12-067	480-107-080 480-107-080	NEW-W NEW-P	89-12-067 89-12-068
480-35-100 480-35-110	NEW-P	89-20-049		REP-P	89-12-068	480-107-080	NEW	89-15-043
480-35-110	NEW-E	89-20-051	480-105-001	REP	89-15-043	480-107-090	NEW-P	89-08-111
480-35-110	NEW	89-23-049		REP-P	89-08-111	480–107–090	NEW-W	89-12-067
480-35-120 480-35-120	NEW-P NEW-E	89-20-049 89-20-051		REP-W REP-P	89-12-067 89-12-068	480–107–090 480–107–090	NEW-P NEW	89-12-068 89-15-043
480-35-120	NEW	89-23-049		REP	89-15-043	480-107-100	NEW-P	89-08-111
480-40-065	NEW-P	89-23-046		REP-P	89-08-111	480-107-100	NEW-W	89-12-067
480-40-100	NEW-P	89-23-046		REP-W REP-P	89-12-067	480-107-100 480-107-100	NEW-P NEW	89-12-068 89-15-043
480-50-090 480-50-090	AMD-P AMD	89~19~048 90~01~058		REP-F	89-12-068 89-15-043	480-107-110	NEW-P	89-08-111
480-62-085	NEW-P	89-19-048	480–105–020	REP-P	89-08-111	480-107-110	NEW-W	89-12-067
480-62-085	NEW	90-01-058		REP-W	89-12-067	480-107-110	NEW-P	89-12-068
480-70-325 480-70-330	AMD-P AMD	89-23-046 89-06-021		REP-P REP	89-12-068 89-15-043	480-107-110 480-107-120	NEW NEW-P	89-15-043 89-08-111
480-70-335	AMD-P	89-23-046		REP-P	89-08-111	480-107-120	NEW-W	89-12-067
480-70-350	AMD-P	89-19-048	480-105-030	REP-W	89-12-067	480-107-120	NEW-P	89-12-068
480-70-350	AMD	90-01-058		REP-P	89-12-068	480-107-120	NEW D	89-15-043
480-70-400 480-70-405	AMD AMD	89-06-021 89-06-021		REP REP-P	89-15-043 89-08-111	480-107-130 480-107-130	NEW-P NEW-W	89-08-111 89-12 - 067
480-75-010	NEW-P	89-19-048	480-105-040	REP-W	89-12-067	480-107-130	NEW-P	89-12-068
480-75-010	NEW	9001058	480–105–040	REP-P	89-12-068	480-107-130	NEW	89-15-043

WAC #		WSR #	WAC #		WSR #	WAC #		WSR #
480-107-140	NEW-P	89-08-111	504-08-130	REP-P	89-20-036	504-15-010	NEW-P	90-01-105
480-107-140	NEW-W	89-12-067	504-08-130	REP	89-23-117	504-15-020	NEW-P	90-01-105
480-107-140 480-107-140	NEW-P NEW	89-12-068 89-15-043	504-08-140 504-08-140	REP-E REP-P	89-18-017 89-20-036	504-15-030 504-15-040	NEW-P NEW-P	90-01-105 90-01-105
480-107-140	NEW-P	89-08-111	504-08-140	REP	89-23-117	504-15-050	NEW-P	90-01-105
480-107-150	NEW-W	89-12-067	504-08-230	REP-E	89-18-017	504-15-060	NEW-P	90-01-105
480-107-150	NEW-P	89-12-068	504-08-230	REP-P	89-20-036	504-15-080	NEW-P	90-01-105
480-107-150	NEW	89-15-043	504-08-230	REP	89-23-117	504-15-100	NEW-P	90-01-105
480-107-160	NEW-P	89-08-111	504-08-240	REP-E	89-18-017	504-15-200	NEW-P	9001-105
480-107-160	NEW-W	89-12-067	504-08-240	REP-P	89-20-036	504-15-210	NEW-P	90-01-105
480-107-160 480-107-160	NEW-P NEW	89-12-068 89-15-043	504-08-240 504-08-250	REP REP-E	89-23-117 89-18-017	504-15-220 504-15-250	NEW-P NEW-P	9001105 9001105
480–107–100	NEW-P	89-08-111	504-08-250	REP-P	89-20-036	504-15-300	NEW-P	90-01-105
480-107-170	NEW-W	89-12-067	504-08-250	REP	89-23-117	504-15-350	NEW-P	90-01-105
480-107-170	NEW-P	89-12-068	504-08-260	REP-E	89-18-017	504-15-360	NEW-P	90-01-105
480-107-170	NEW	89-15-043	504-08-260	REP-P	89-20-036	504-15-410	NEW-P	90-01-105
480-110-031 480-110-031	AMD-W AMD-P	89-19-047 89-19-048	504-08-260 504-08-270	REP	89-23-117	504-15-420	NEW-P	90-01-105
480-110-031	AMD-P	90-01-058	504-08-270	REP-E REP-P	89-18-017 89-20-036	504-15-430 504-15-440	NEW-P NEW-P	90-01-105 90-01-105
480-110-066	AMD-P	89-20-050	504-08-270	REP	89-23-117	504-15-450	NEW-P	90-01-105
480-110-081	AMD-P	89-20-050	504-08-280	REP-E	89-18-017	504-15-460	NEW-P	90-01-105
480-120-021	AMD	89-04-044	504-08-280	REP-P	89-20-036	504-15-470	NEW-P	90-01-105
480-120-027	AMD-P	89-08-110	504-08-280	REP	89-23-117	504-15-510	NEW-P	90-01-105
480-120-027 480-120-031	AMD AMD-P	89-12-038 89-15-050	504-08-290 504-08-290	REP-E REP-P	89-18-017 89-20-036	504-15-520 504-15-540	NEW-P NEW-P	90-01-105 90-01-105
480-120-031	AMD	89-23-048	504-08-290	REP	89-23-117	504-15-560	NEW-P	90-01-105
480-120-033	AMD-P	89-19-048	50408300	REP-E	89-18-017	504-15-580	NEW-P	90-01-105
480-120-033	AMD	90-01-058	504-08-300	REP-P	89-20-036	504-15-600	NEW-P	90-01-105
480-120-041	AMD	89-04-044	504-08-300	REP	89-23-117	504-15-650	NEW-P	90-01-105
480-120-081 480-120-106	AMD-P AMD	89-23-047 89-04-044	504-08-310 504-08-310	REP-E REP-P	89-18-017 89-20-036	504–15–750 504–15–810	NEW-P NEW-P	90-01-105 90-01-105
480-120-138	AMD-P	89-16-108	504-08-310	REP	89-23-117	504-15-830	NEW-P	90-01-105
480-120-138	AMD-P	90-01-059	504-08-320	REP-E	89-18-017	504-15-860	NEW-P	90-01-105
480-120-141	NEW	89-04-044	504-08-320	REP-P	89-20-036	504-15-900	NEW-P	90-01-105
480-122-060	AMD-P	89-08-024	504-08-320	REP	89-23-117	504-15-920	NEW-P	90-01-105
480-122-060 480-122-060	AMD-E AMD	89-08-025 89-11-020	504-08-330 504-08-330	REP-E REP-P	89–18–017 89–20–036	504-15-940 504-17-010	NEW-P REP-P	90-01-105 90-01-105
504-04-010	NEW-E	89-18-017	504-08-330	REP	89-23-117	504-17-020	REP-P	90-01-105
504-04-010	NEW-P	89-20-036	504-08-340	REP-E	89-18-017	50417030	REP-P	90-01-105
50404010	NEW	89-23-117	504-08-340	REP-P	89-20-036	504-17-040	REP-P	90-01-105
504-04-020 504-04-020	NEW-E NEW-P	89-18-017 89-20-036	504-08-340 504-08-350	REP REP-E	89-23-117 89-18-017	50417050 50417060	REP-P REP-P	90-01-105 90-01-105
504-04-020	NEW	89-23-117	504-08-350	REP-P	89-20-036	504-17-070	REP-P	90-01-105 90-01-105
504-04-110	NEW-E	89-18-017	504-08-350	REP	89-23-117	504-17-080	REP-P	90-01-105
504-04-110	NEW-P	89-20-036	504-08-360	REP-E	89-18-017	504-17-090	REP-P	90-01-105
504-04-110	NEW NEW-E	89-23-117	504-08-360	REP-P	89-20-036	504-17-100	REP-P	90-01-105
504-04-120 504-04-120	NEW-E	89-18-017 89-20-036	504-08-360 504-08-400	REP REP-E	89-23-117 89-18-017	504-17-110 504-17-120	REP-P REP-P	90-01-105 90-01-105
504-04-120	NEW	89-23-117	504-08-400	REP-P	89-20-036	504-17-130	REP-P	90-01-105
504-04-130	NEW-E	89-18-017	50408400	REP	89-23-117	504-17-140	REP-P	90-01-105
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